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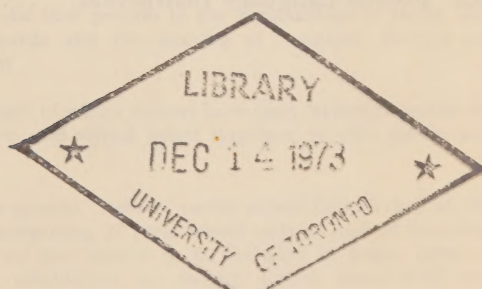
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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

(67)

The Education Act, 1973

THE HON. T. L. WELLS
Minister of Education

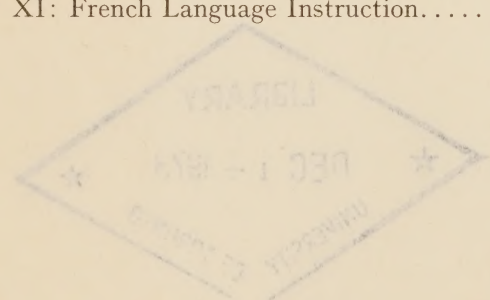


TORONTO

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EXPLANATORY NOTE

The Education Act, 1973 is basically a consolidation of the provisions that are now included in *The Ministry of Education Act, The Public Schools Act, The Schools Administration Act, The Secondary Schools and Boards of Education Act and The Separate Schools Act*. Some new concepts have been introduced and are so noted under the appropriate Parts.

The material in the above Acts has been arranged according to topic; duplications and ambiguities have been removed and the terminology has been revised to conform to modern usage.

INTERPRETATION

The terms that appear throughout the existing Acts and that have general application are all defined in this section.

PART I. MINISTRY OF EDUCATION

This Part includes those matters that now comprise *The Ministry of Education Act*. The existing material is basically intact although some rearrangement has taken place.

PART II. SCHOOL ATTENDANCE

All provisions that relate to compulsory school attendance, school attendance counsellors and the conditions under which a person has the right to attend a public, separate or secondary school, suspension and expulsion are grouped in this Part.

The provisions of *The Public Schools Act, The Secondary Schools and Boards of Education Act* and *The Separate Schools Act* that apply to a child of an unassessed mother who is the sole support of her child are combined in section 41 and made to apply to either parent.

PART III. PUBLIC AND SECONDARY SCHOOLS

The provisions of *The Public Schools Act* and *The Secondary Schools and Boards of Education Act* that pertain to the organization of public and secondary school boards and the election of members thereto are combined in this Part.

The provisions in respect of school visitors have been revised in section 49 to provide for parents and school board members to visit public and secondary schools.

In sections 60-66, the present "isolate" public school jurisdictions in the territorial districts, comprising 27 rural school sections and 10 township school areas which are too remote to be included in larger units of administration, are established as district school areas with one simplified form of organization.

PART IV. ROMAN CATHOLIC SEPARATE SCHOOLS

This Part deals with the establishment of separate school zones, the organization of separate school boards and the election of trustees and contains those provisions required to retain the special identity of separate schools for Roman Catholics now found in *The Separate Schools Act*. Those matters that are essentially common to all schools such as pupil attendance, property and financial matters are placed elsewhere to avoid duplications.

The qualifications of Roman Catholic separate school trustees are brought into line with those required for members of divisional boards who are elected by separate school electors (namely, Canadian citizen, full age of 18, resident in the area of jurisdiction of the board and a separate school supporter or elector) and are contained in section 192, Part VII.

The requirement of a minimum of five heads of families in a school section or former school section for the establishment of a new separate school zone is changed in section 83 to five heads of families in a six-mile square area.

The provision respecting school visitors in section 133 is parallel to the corresponding provision for public schools.

PART V. PROTESTANT SEPARATE SCHOOLS

Only some minor changes in terminology consistent with corresponding changes elsewhere in the Act have been made in this Part.

PART VI. BOARDS

This Part deals with the powers and duties of school boards and brings together in sub-Parts the provisions relating to fringe benefits for employees, agreements with other boards and with municipalities and conservation authorities, transportation of pupils, allowances for members of a board and committees thereof, the acquiring, holding and disposal of property, the duties of officers of a board, matters affecting meetings of a board and the validity of elections.

PART VII. BOARD MEMBERS—Qualifications, Resignations and Vacancies

The provisions of *The Public Schools Act*, *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act* and *The Separate Schools Act* respecting the qualifications and disqualifications of board members, resignation of board members and the filling of a vacancy are grouped together in this Part.

PART VIII. FINANCE

This Part brings together those matters that are essentially financial in nature and eliminates much of the duplication relating thereto that existed in the former Acts. It includes matters relating to auditors, debentures, estimates, apportionment of costs, requisitions, borrowing, and fees payable for non-resident pupils.

PART IX. TEACHERS

This Part brings together matters that relate primarily to teachers including contracts, duties of teachers and principals, pupil records, and Boards of Reference. The terminology is appropriately updated but no significant changes have been made.

PART X. SUPERVISORY OFFICERS

This Part contains the provisions relating to supervisory officers that are now in *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act* and *The Separate Schools Act*.

The chief executive officer of a separate school board is designated as director of education rather than superintendent of separate schools.

PART XI. FRENCH LANGUAGE INSTRUCTION

The Part incorporates the provisions respecting French-language elementary and secondary schools, French-language advisory committees and the Language of Instruction Commission that are now contained in *The Schools Administration Act* and *The Secondary Schools and Boards of Education Act*.

The Education Act, 1973

THE QUEBEC LEGISLATURE, by and with the advice and consent of the Legislative Assembly, in the Province of Quebec, enacts as follows:

CHAPTER 101

THE EDUCATION ACT

1973, c. 101

1. Short title and commencement

1. This Act may be cited as the *Education Act* and shall come into force on the first day of January in the year 1974.

2. The purpose of the Act

2. The purpose of this Act is to provide for the establishment and maintenance of a system of education in the Province of Quebec, to be known as the *Education Act*.

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BILL 255

1973

The Education Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

1. “adjoining” means touching at any point;
2. “average daily enrolment” for a calendar year means the number obtained by adding,
 - i. the sum of,
 - a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,
 - b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,
 - c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April,
 - d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September,
 - e. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of

0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and

- f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,

- b. ascertaining the sum of the products obtained under sub-subparagraph a,

- c. subtracting from the sum obtained under sub-subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and

- d. dividing the result obtained under sub-subparagraph c by the number of school days in the calendar year;

- 3. "board" means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board;

- 4. "board of education" includes a divisional board of education;

- 5. "city" includes a separated town;

- 6. "combined separate school zone" means a union of two or more separate school zones;

7. “county” includes a provisional county and united counties;
8. “county combined separate school board” means a separate school board established for a county combined separate school zone;
9. “county combined separate school zone” means a union of the separate school zones whose centres are within an area designated by the regulations that comprises,
 - i. one or more counties,
 - ii. all or part of a regional municipality that is not in a territorial district, or
 - iii. one or more counties and a part of a territorial district;
10. “county municipality” means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality that is not in the territorial districts;
11. “current expenditure” means an expenditure for operating purposes or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
12. “current revenue” means all amounts earned by a board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
13. “debt charge” means the amount of money necessary annually,
 - i. to pay the principal due on long-term debt not payable from a sinking fund,
 - ii. to provide a fund for the redemption of debentures payable from a sinking fund, and
 - iii. to pay the interest due on all debt referred to in subparagraphs i and ii;
14. “defined city” means,
 - i. the City of Hamilton,

ii. the City of London, and

iii. the City of Windsor;

15. "district combined separate school board" means a separate school board established for a district combined separate school zone;
16. "district combined separate school zone" means a union of the separate school zones whose centres are within an area in the territorial districts that is designated by the regulations;
17. "district municipality" means a municipality, except a city, in a territorial district;
18. "district school area" means a school section in the territorial districts that is not a school division;
19. "divisional board" means a divisional board of education;
20. "elementary school" means a public school, Roman Catholic separate school or Protestant separate school;
21. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
22. "head office" of a board means the place at which the minute book, financial statements and records, and seal of the board are ordinarily kept;
23. "intermediate division" means the division of the organization of a school comprising the first four years of the program of studies immediately following the junior division;
24. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate;
25. "junior division" means the division of the organization of an elementary school comprising the first three years of the program of studies immediately following the primary division;
26. "locality" means a part of territory without municipal organization that is deemed to be a district

municipality for the purposes of a divisional board or of a district combined separate school board;

27. "Minister" means the Minister of Education;
28. "Ministry" means the Ministry of Education;
29. "municipality" means a city, town, village, township or improvement district;
30. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher who has died during the school year or who is absent from his regular duties for a temporary period that is less than a school year and that does not extend beyond the end of a school year;
31. "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1970,
c. 32
32. "part-time teacher" means a teacher employed by a board on a regular basis for other than full-time duty;
33. "permanent improvement" includes,
 - i. a school site and an addition or an improvement to a school site,
 - ii. a building used for instructional purposes and any addition, alteration or improvement thereto,
 - iii. an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,
 - iv. furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - v. a bus or other vehicle, including watercraft, for the transportation of pupils,
 - vi. the obtaining of a water supply or an electrical power supply on the school property or the conveying of a water supply or an

electrical power supply to the school from outside the school property,

- vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;

34. “permanent teacher” means a teacher employed by a board under a permanent teacher’s contract made in accordance with the regulations and includes a teacher whose contract is deemed to include the terms and conditions contained in the form of contract prescribed in the regulations for a permanent teacher;

1972, c. 95

35. “polling list” means a polling list as defined in *The Municipal Elections Act, 1972*;

R.S.O. 1970,
cc. 293, 405

36. “population” means the population as determined under *The Municipal Unconditional Grants Act* for the purposes of that Act or under *The Regional Municipal Grants Act* for the purposes of that Act;

37. “prescribed” means prescribed by the regulations;

38. “primary division” means the division of the organization of an elementary school comprising junior kindergarten, kindergarten and the first three years of the program of studies immediately following kindergarten;

39. “private school” means a school at which instruction is provided at any time between the hours of 9 a.m. to 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario, an elementary or secondary school board or a board of education;

40. “probationary teacher” means a teacher employed by a board under a probationary teacher’s contract made in accordance with the regulations;

41. “provincial supervisory officer” means a teacher employed as a supervisory officer by the Province;

42. “public school elector”, in respect of an area for which one or more members of a board are to be elected by public school electors, means a public school elector under *The Municipal Elections Act, 1972*, who is qualified to vote at the election for such members in such area;

43. "regulations" means the regulations made under this Act;
44. "reserve fund" means a reserve fund established under section 308 of *The Municipal Act*;
R.S.O. 1970,
c. 284
45. "Roman Catholic" includes a Catholic of the Greek or Ukrainian Rite in union with the See of Rome;
46. "rural separate school" means a separate school for Roman Catholics in a township or territory without municipal organization that is not part of a county or district combined separate school zone;
47. "rural separate school zone" means a separate school zone in respect of a rural separate school;
48. "school" means the body of public school pupils, separate school pupils or secondary school pupils that is organized as a unit for educational purposes and includes the teachers and other staff members associated with such unit and the lands and premises used in connection therewith;
49. "school day" means a day that is within a school year and is not a school holiday;
50. "school division" means the area in which a divisional board has jurisdiction;
51. "school section" means the area in which a public school board or board of education has jurisdiction for public school purposes;
52. "school site" means land or interest therein or premises required for a school, school playground, school garden, teacher's residence, caretaker's residence, gymnasium, offices, parking areas, offices of a board or for any other school purpose;
53. "school year" means the period prescribed as such by, or approved as such under, the regulations;
54. "secondary school" means a school that is under the jurisdiction of a secondary school board;
55. "secondary school district" means the area in which a secondary school board or a board of education has jurisdiction for secondary school purposes;

56. "secretary" and "treasurer" includes a secretary-treasurer;
57. "senior division" means the division of the organization of a school comprising the three years of the program of studies following the intermediate division;
58. "separated town" means a town separated for municipal purposes from the county in which it is situated;
59. "separate school elector", in respect of an area for which one or more members of a board are to be elected by separate school electors, means a separate school elector under *The Municipal Elections Act, 1972*, who is qualified to vote at the election of such members in such area;
60. "separate school supporter" means a Roman Catholic who is enumerated as a separate school supporter in the census taken under section 23 of *The Assessment Act* or in respect of whom notice has been given under section 116 in respect of property that he occupies as owner or tenant or unoccupied property that he owns and notice of withdrawal of support under section 117 has not been given, and includes the Roman Catholic spouse of such owner or tenant;
61. "separate school zone" means the area in which property may be assessed to support a separate school or schools for Roman Catholics under the jurisdiction of one separate school board;
62. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister;
63. "teacher" means a person who holds a valid certificate of qualification as a teacher in an elementary or a secondary school in Ontario;
64. "temporary teacher" means a person employed to teach under the authority of a letter of permission;
65. "urban municipality" means a city, town or village;
66. "urban school section" means a school section, except a school division or a district school area, that includes a municipality;

1972, c. 95

R.S.O. 1970,
c. 32

67. "urban separate school" means a separate school for Roman Catholics in an urban municipality;
68. "urban separate school zone" means a separate school zone established in an urban municipality that does not form part of a county or district combined separate school zone;
69. "vocational school" includes a special vocational school. R.S.O. 1970, c. 111, s. 1 (*d*); R.S.O. 1970, c. 424, s. 1; R.S.O. 1970, c. 425, s. 27 (1); R.S.O. 1970, c. 430, ss. 17, 80 (1); 1971, c. 90, s. 1 (1); 1972, c. 1, s. 62; 1972, c. 73, s. 1; 1972, c. 75, s. 6 (1, 2); 1972, c. 77, s. 1 (1, 3, 4); 1973, c. 92, s. 1, *amended*. Authority or obligation of parent vested in pupil of 18 years of age

(2) Where by or under this Act any authority or right is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority, right, obligation or reimbursement shall, where the pupil is an adult, be vested in or imposed upon or made to the pupil, as the case may be. 1972, c. 77, s. 1 (6).

(3) Until altered under the authority of this or any other Act, all school jurisdictions and boards continue as they now exist and all members of boards duly elected and all officers duly appointed continue in office, and all agreements, contracts, obligations, assessments and tax bills heretofore duly made in relation to elementary and secondary schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1970, c. 385, s. 3. Existing school arrangements continued

(4) A reference in any Act or regulation to *The Department of Education Act*, *The Ministry of Education Act*, *The Public Schools Act*, *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act* or *The Separate Schools Act* shall be deemed to be a reference to *The Education Act*, 1973. *New*. Amendment of references R.S.O. 1970, cc. 111, 385, 424, 425, 430 1973, c. . . .

PART I

MINISTRY OF EDUCATION

2.—(1) The ministry of the public service known as the Ministry of Education is continued. Ministry continued

(2) The Minister shall preside over and have charge of the Ministry. R.S.O. 1970, c. 111, s. 2; 1972, c. 1, s. 61 (3). Minister to have charge

(3) The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the Adminis-
tration

regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. R.S.O. 1970, c. 111, s. 3.

Annual
report

3. The Minister shall, after the close of each calendar year, submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1972, c. 1, s. 61 (4).

Additions to
enrolment in
special cases

4. The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils who were absent from school because of any condition considered by the Minister to constitute a special circumstance or an emergency. 1973, c. 44, s. 2, *amended*.

Closing of
school or
class

5.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may order the closing of a school or any class thereof for a specified period. R.S.O. 1970, c. 111, s. 6 (1).

Pupils
deemed in
attendance

(2) Where a school or class is closed for a specified period under subsection 1, the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. 1971, c. 89, s. 2.

Guarantee of
debentures

6.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by a board in Ontario for any school purpose for which the board is authorized to issue debentures.

Form of
guarantee

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

Validity of
guaranteed
debentures

(3) Any debenture issued by a board, payment of which is guaranteed by the Province under this section, is valid and binding upon the board by which it is issued and the rate-payers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. R.S.O. 1970, c. 111, s. 7.

Fixing rate of
interest on
debentures,
etc., held by
Treasurer

7. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a board, the rate at which interest

shall be allowed to, paid by or credited to a board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1970, c. 111, s. 8.

8.—(1) The Minister may,

Powers of
Minister:

- (a) in respect of schools under the jurisdiction of a board, areas and
courses of
study
 - (i) define areas of study,
 - (ii) recommend areas of study,
 - (iii) permit boards and teachers to define areas of study,
 - (iv) approve experimental areas of study as defined by boards and teachers,
 - (v) define courses of study,
 - (vi) recommend courses of study for the guidance of boards and teachers,
 - (vii) permit boards and teachers to define courses of study, and
 - (viii) approve experimental courses of study as defined by boards and teachers;
- (b) select and approve for use in schools textbooks, textbooks,
reference
books, etc. library books, reference books and other learning materials;
- (c) cause to be published from time to time lists of text- publication of
book lists books, reference books and library books, selected and approved by the Minister for use in elementary and secondary schools;
- (d) prescribe the form of the register of attendance and daily register the manner of its use in recording the daily attendance of pupils of schools, or approve the use of an alternate method of recording such daily attendance, and prescribe the form in which enrolment and attendance data shall be submitted to the Minister;
- (e) prescribe the conditions under which diplomas and diplomas and
certificates certificates are granted to pupils;

subjects and
programs of
study

- (f) prescribe the subjects and programs that shall be taught and the subjects and programs that may be taught in the primary, junior, intermediate and senior divisions.

Idem:
teachers'
colleges and
provincial
schools

- (2) The Minister may,

- (a) in respect of teachers' colleges,

(i) define courses of study and subjects to be taught,

(ii) recommend reference books and library books,

(iii) approve textbooks,

(iv) determine the number of terms and the dates upon which each term begins and ends;

- (b) in respect of schools for the deaf and the blind, determine the number of terms and the dates upon which each term begins and ends.

Application
R.S.O. 1970,
c. 410

- (3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. R.S.O. 1970, c. 111, ss. 9, 12 (1), pars. 19, 20; 1972, c. 73, s. 2, amended.

Powers of
Minister:

9. The Minister may,

accept
equivalent
qualification

- (a) accept in lieu of any requirement prescribed for a teacher, head of a department, principal, director, supervisor or supervisory officer, or for a candidate for a certificate or for admission to a school, such experience, academic scholarship or professional training as he considers equivalent thereto, and may require such evidence thereof as he considers necessary;

letter of
permission

- (b) grant a letter of permission to a board authorizing the board to employ as a teacher a person not qualified as such if the Minister is satisfied that no teacher is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify therein;

letter of
approval

- (c) grant to a board a temporary letter of approval authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the certificate required for teaching the subject or for holding the position;

- (d) suspend or cancel any certificate, letter of standing, ^{suspend or cancel} temporary letter of approval, letter of permission or diploma granted under this Act or the regulations;
- (e) appoint such advisory or consultative bodies as may ^{advisory body} be considered necessary by the Minister from time to time;
- (f) appoint as a commission one or more persons, as he ^{commission of inquiry} considers expedient, to inquire into and report upon any school matter, and such commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, ^{1971, c. 49} which Part applies to such inquiry as if it were an inquiry under that Act;
- (g) submit a case on any question arising under this Act ^{secure legal opinion} to a judge of the Supreme Court for his opinion and decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision;
- (h) determine all disputes and complaints laid before him, ^{determine disputes and complaints} the determination of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, supervisory officer or other school officer, where provision is, by any Act or regulation, made for an appeal to the Minister, and where the Minister makes a determination of a dispute, complaint or appeal, such determination shall be binding upon the parties to the dispute or complaint and upon the board affected by the determination of any such appeal;
- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source ^{apportion federal grants} other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he considers proper;
- (j) require employees of school boards to submit to ^{medical examinations} medical examinations;
- (k) provide courses for teachers and supervisory officers; ^{courses}
- (l) provide for the development, distribution and supervision by the Ministry of correspondence ^{correspondence courses} courses;
- (m) provide an assessment equalization factor, ^{equalization factor}
 - (i) for each municipality, including, for public and secondary school purposes, any part of

territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

- (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III,
- (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV,
- (iv) for each public school section that comprises only territory without municipal organization, and
- (v) for each separate school zone that comprises only territory without municipal organization,

and may determine the assessment roll to which each such factor applies and, where such factors are provided, shall provide for publication thereof in *The Ontario Gazette*;

educational
advancement
programs,
activities and
projects and
accountable
advances

- (n) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,
 - (i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and
 - (ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project. R.S.O. 1970, c. 111, s. 10 (1); 1972, c. 73, s. 3; 1973, c. 44, s. 3, *amended*.

10.—(1) Subject to the provisions of any statute in that Regulations
behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money,

1. for the establishment, organization, administration general
and government thereof;
2. governing the admission of pupils; admit pupils
3. prescribing the manner in which records in respect of pupil records
pupils of elementary and secondary schools shall be established and maintained, including the forms to be used therefor and the type of information that shall be kept and recorded, and providing for the retention, transfer and disposal of such records;
4. providing for the disposition of records established disposition of
prior to the 1st day of September, 1972, in respect of present pupil
pupils; records
5. governing the establishment, organization and ad- special
ministration of special education programs, facilities education
and services for pupils;
6. defining and governing evening classes; evening
classes
7. requiring boards to purchase books for the use of purchase
pupils; books
8. prescribing the accommodation and equipment of accommo-
buildings and the arrangement of premises; dation and
equipment
9. defining and governing programs of recreation, camp- recreation
ing, physical education and adult education; programs
10. governing the granting of permanent, temporary, certificates
interim, special and other certificates of qualification, and letters of standing
and letters of standing;

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| letter of permission | 11. governing the granting to a board of a letter of permission and a temporary letter of approval; |
| teacher's contract | 12. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract; |
| schools on Crown lands | 13. governing the establishment and operation of public and secondary schools on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools; |
| pupils on Crown lands, wards of children's aid society and in approved homes, etc. | 14. governing the payment of the cost of education at elementary and secondary schools of pupils who, <ul style="list-style-type: none"> i. reside in the territorial districts, or on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes, ii. are wards of or in the care of a children's aid society, or iii. are placed in an approved home as defined in <i>The Mental Hospitals Act</i> or a detention and observation home established under <i>The Provincial Courts Act</i>; |
| R.S.O. 1970, cc. 270, 369 | |
| board, lodging and transportation of pupils | 15. providing for assistance in the payment of board, lodging and transportation costs of elementary and secondary school pupils; |
| fees of examiners | 16. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid; |
| fees for duplicates of certificates | 17. prescribing the fees to be paid for duplicates of diplomas and certificates granted to pupils; |
| language of instruction | 18. prescribing the language or languages in which any subject or subjects shall be taught in any year of the primary, junior, intermediate or senior division; |

19. providing for and governing the exchange of teachers ^{exchange teachers} between Ontario and other parts of Canada and between Ontario and other jurisdictions;
20. governing school libraries; ^{school libraries}
21. respecting observation and practice teaching by ^{practice teaching} student teachers;
22. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, ^{powers and duties of teachers, etc.} directors, supervisory officers, heads of departments, principals, superintendents, bursars, matrons, school attendance counsellors and other officials;
23. prescribing the duties of pupils; ^{pupils}
24. governing the operation of schools for trainable ^{schools for trainable retarded children} retarded children;
25. prescribing the qualifications and experience required ^{qualification to teach} for the purpose of qualifying a person to teach;
26. prescribing the terms and conditions upon which ^{admission to teachers' college} students may be admitted to a teachers' college, remain therein and be dismissed therefrom;
27. requiring the payment of a tuition fee by students ^{tuition fee teachers' college} attending a teachers' college and fixing the amount and manner of payment thereof;
28. prescribing forms and providing for their use; ^{forms}
29. governing the transportation of pupils. R.S.O. 1970, ^{transportation} c. 111, s. 12 (1); 1971, c. 89, s. 3 (1, 2); 1972, c. 73, s. 4 (1-3), *amended*.

(2) Every contract executed by a person under twenty- ^{Student-Aid loan contracts} years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract. R.S.O. 1970, c. 111, s. 12 (2).

(3) Subject to the provisions of any statute in that behalf ^{Regulations, grants} and to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of moneys appropriated or raised by the Legislature for educational purposes;
- (b) prescribing the conditions governing the payment of legislative grants;
- (c) for the purposes of legislative grants,
 - (i) defining any word or expression,
 - (ii) requiring the approval of the Minister to any amount of money or rate determined by the application of any word or expression defined,
 - (iii) prescribing the portions of any expenditure to which such grants apply, and
 - (iv) respecting the application of any part of such grants. R.S.O. 1970, c. 111, s. 12 (3) (a-c); 1972, c. 73, s. 4 (4).

Application
to previous
year

(4) A regulation made in any year under subsection 3 may be made to apply in its operation to a previous year. 1972, c. 73, s. 4 (5).

Estimates
and
expenditures

(5) Subject to the approval of the Lieutenant Governor in Council and to section 131, the Minister may make regulations governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose. R.S.O. 1970, c. 111, s. 12 (3) (d).

School year,
terms and
holidays

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) prescribing and governing the school year, school terms and school holidays;
- (b) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and
- (c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations,

and where a school year, school term or school holiday prescribed by or established under such regulations conflicts or is

inconsistent with the school year, school term or school holiday prescribed by any Act, the school year, school term or school holiday prescribed by or established under such regulations, as the case may be, prevails. 1973, c. 44, s. 4 (2).

(7) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations prescribing the conditions under which, and establishing the procedures by which, a child who is otherwise required to attend school under Part II and who has attained the age of fourteen years may be excused from attendance at school or required to attend school only part-time. *New.* Exceptions: compulsory attendance

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, Regulations

- (a) prescribing the fee to be paid to the Ministry for a transcript of standing obtained in Ontario by a pupil; fee for transcripts
- (b) prescribing the fee to be paid to the Ministry for duplicates of certificates of qualification and letters of standing; fee for certificates and letters of standing
- (c) prescribing the fee to be paid to the Ministry by a teacher for the preparation at his request of a statement of standing obtained, or a description of courses completed, at a teacher training institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution; fee for statement of standing
- (d) prescribing the conditions under which fees are to be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees. 1972, c. 73, s. 4 (3); 1973, c. 44, s. 4 (1). fees for evaluations

(9) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board. 1972, c. 73, s. 4 (6). Metropolitan Toronto School Board

11.—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada, represented by the Minister of National Health and Welfare of Canada respecting physical fitness, and the Minister may authorize a board to provide training in physical fitness. Agreements with Canada re: physical fitness

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the adminis- pupils at Indian schools

R.S.C. 1970, c. I-6 tration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act.

bursaries and scholarships (3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Manpower and Immigration, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1970, c. 111, s. 13, *amended*.

Continuation of school for deaf **12.**—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is continued under the administration of the Minister.

School for blind (2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is continued under the administration of the Minister.

Additional schools (3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school.

Regulations for schools for the deaf or blind (4) Subject to the approval of the Lieutenant Governor in Council, the Minister may, in addition to his powers under section 10, make regulations with respect to such schools for the deaf or blind,

(a) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school,

(ii) reside in homes approved by a superintendent, and

(iii) be discharged from a school;

(b) authorizing the Minister to appoint a committee to determine any question concerning the eligibility for admission of an applicant;

(c) prescribing the fees, if any, that shall be paid in respect of pupils of any class or classes thereof;

(d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

- (e) authorizing a superintendent to establish rules in respect of pupils admitted to the school;
- (f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;
- (g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;
- (h) authorizing a superintendent to dismiss a pupil and prescribing procedures in respect thereof;
- (i) authorizing the Minister to provide training for, and certification of, teachers of the deaf and of the blind.

(5) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 12, *amended*. ^{Cost}

13.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may, ^{Teacher education}

- (a) establish, maintain and conduct a college for the professional education of teachers, enter into an arrangement with a board for the use of any of its schools for practice teaching purposes and for the services of its teachers and establish a schedule of payments to boards, principals and teachers participating therein;
- (b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, under such terms and conditions as the Minister and the university or college may agree upon.

(2) Where a university, a college of a university or a college has entered into an agreement with the Minister under clause *b* of subsection 1, a board may permit one or more of its schools to be used for practice teaching purposes and may provide for the services of any of its teachers under such terms and conditions as may be agreed upon between the board and the university or college. ^{Agreements re practice teaching, etc.}

(3) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature. ^{Cost of teacher education}

Idem	(4) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause <i>b</i> of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature. 1972, c. 73, s. 6.
Leadership training camps	14. —(1) The Minister may establish, maintain and conduct camps for leadership training.
Expenses	(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 19.
Intention to operate private school	15. —(1) No private school shall be operated in Ontario unless notice of intention to operate the private school has been submitted in accordance with this section.
Idem	(2) Every private school shall submit annually to the Ministry on or before the 1st day of September a notice of intention to operate a private school.
Idem	(3) A notice of intention to operate a private school shall be in such form and shall include such particulars as the Minister may require.
Offence to operate private school without filing notice of intent to operate	(4) Every person concerned in the management of a private school that is operated in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day such school is so operated.
Return	(5) The principal, headmaster or person in charge of a private school shall make a return to the Ministry furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.
Inspection of school	(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervisory officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1970, c. 111, s. 20 (1-6).

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects of the senior division leading to the secondary school graduation diploma and to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection. 1972, c. 73, s. 7. Inspection on request

(8) The Minister may, on the request of a person operating a private school or of a person in charge of a conservation authority school or field centre, provide for the inspection of a teacher in such school or centre who requires the recommendation of a supervisory officer for certification purposes. *New.* Inspection of teachers

(9) Every person who knowingly makes a false statement in a notice of intention to operate a private school or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1970, c. 111, s. 20 (8). Offence for false statement

16.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 15 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and, Variation of scholarships and awards
R.S.O. 1970, c. 166

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;
- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and condition is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister

most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

Where award
is repayable
loan

(2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*. 1971, c. 89, s. 5.

PART II

SCHOOL ATTENDANCE

Interpre-
tation

17. In sections 20, 22, 25, 27 and 29, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1970, c. 424, s. 2.

Closing of
school or class
by board

18. A board may close or authorize the closing of a school or class for a temporary period where such closing appears unavoidable because of,

- (a) failure of transportation arrangements; or
- (b) inclement weather, fire, flood, the breakdown of the school heating plant, or a similar emergency. 1973, c. 92, s. 3.

Closing of
schools on
civic holiday

19. Where the head of the council of a municipality in which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day. 1972, c. 77, s. 2 (3).

Compulsory
attendance

20.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on

every school day from the first school day in September in that year until he attains the age of sixteen years; and

- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years. R.S.O. 1970, c. 424, s. 6 (1).

- (2) A child is excused from attendance at school if, When
attendance
excused
- (a) he is receiving satisfactory instruction at home or elsewhere;
 - (b) he is unable to attend school by reason of sickness or other unavoidable cause;
 - (c) transportation is not provided by a board for the child and there is no school that he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest road if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest road if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest road if he has attained the age of ten years on or before the first school day in September in the year in question;
 - (d) he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;
 - (e) he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
 - (f) he is suspended, expelled or excluded from attendance at school under any Act or under the regulations;

(g) he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs ;
or

(h) he is absent or excused as authorized under this Act and the regulations. R.S.O. 1970, c. 424, s. 6 (2); 1972, c. 77, s. 3.

Blind, deaf or
mentally
handicapped
children

(3) The fact that a child is blind, deaf or mentally handicapped is not of itself an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to the Ontario School for the Blind, an Ontario School for the Deaf or a school or class for trainable retarded children.

Child under
compulsory
age

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the period for which the child is enrolled as if he were of compulsory school age.

Duty of
parent, etc.

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section.

Separate
school
supporters

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or a Protestant separate school, or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1970, c. 424, s. 6 (3-6), *amended*.

Where school
year varied

21. Where a school year approved by the Minister does not commence on the day following Labour Day, references to the first school day in September and the last school day in June in section 20 shall be read as the first school day in the school year and the last school day in the school year respectively for the purpose of compulsory attendance of pupils of the school or schools or parts thereof to which the school year applies. 1973, c. 92, s. 5.

Suspension
of pupil

22.—(1) A principal may suspend a pupil for a fixed period, not in excess of a period determined by the board, because of persistent truancy, persistent opposition to authority, habitual neglect of duty, the wilful destruction of school property, the use of profane or improper language, or conduct injurious to the moral tone of the school or to the physical or mental wellbeing of others in the school and, where a pupil has been suspended, the principal shall notify forthwith in writing the pupil, the parent or guardian of the pupil, the board and the appropriate supervisory officer of the suspension, the reasons therefor and the right of appeal under subsection 2.

(2) The parent or guardian of a pupil who has been suspended or the pupil, where he is an adult, may, within seven days of the commencement of the suspension, appeal to the board against the suspension and the board, after hearing the appeal or where no appeal is made, may remove, confirm or modify the suspension and, where the board considers it appropriate, may order that any record of the suspension be expunged. R.S.O. 1970, c. 424, s. 21 (2) (1), *amended*. ^{Appeal against suspension}

(3) A board may expel a pupil from its schools on the ground that his conduct is so refractory that his presence is injurious to other pupils where, ^{Expulsion of pupil}

(a) the principal and the appropriate supervisory officer so recommend;

(b) the pupil and his parent or guardian have been notified in writing of,

(i) the recommendation of the principal and the supervisory officer, and

(ii) the right of the pupil where he is an adult and otherwise of his parent or guardian to make representations at a hearing to be conducted by the board; and

(c) such hearing has been conducted. R.S.O. 1970, c. 424, s. 34, par. 24; 1971, c. 90, s. 5 (3).

(4) The parties to a hearing under this section shall be the parent or guardian of the pupil or the pupil, where he is an adult, the principal of the school that the pupil attends and, in the case of an expulsion, the appropriate supervisory officer. ^{Parties to hearing}

(5) A board may at its discretion readmit to school a pupil who has been expelled. *New*. ^{Readmission of pupil}

23.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the Provincial School Attendance Counsellor, who shall, under the direction of the Minister, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1970, c. 424, s. 7 (1). ^{Provincial School Attendance Counsellor}

(2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 2 of section 20, and the appropriate school attendance counsellor or the Provincial School Attendance Counsellor is of the opinion that the child should not be excused from ^{Inquiry by Provincial Counsellor}

attendance, the Provincial School Attendance Counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child,

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child. 1972, c. 77, s. 4.

Powers of
Provincial
Counsellor

(3) The Provincial School Attendance Counsellor has all the powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1970, c. 424, s. 7 (4).

Appointment
of school
attendance
counsellors

24.—(1) Every board shall appoint one or more school attendance counsellors.

Idem

(2) Two or more boards may appoint the same school attendance counsellor or counsellors.

Vacancies

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the board.

Notice of
appointment

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the Provincial School Attendance Counsellor and to the supervisory officers concerned. R.S.O. 1970, c. 424, s. 8.

Jurisdiction
and
responsibility
of school
attendance
counsellor

(5) A school attendance counsellor appointed by a board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of every child who is required to attend school and who,

(a) is qualified to be a resident pupil of the board; or

(b) is or has been enrolled during the current school year in a school operated by the board, except a child who is under the jurisdiction of a person appointed under section 119 of the *Indian Act* (Canada). R.S.O. 1970, c. 424, s. 9, *amended*.

R.S.C. 1970,
c. I-6

Powers of
counsellors

25. (1) Where a school attendance counsellor has reasonable and probable grounds for believing that a child is illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the

school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant. 1972, c. 77, s. 5 (1).

(2) A school attendance counsellor shall report to the board ^{Reports} that appointed him as required by the board. R.S.O. 1970, c. 424, s. 10 (2); 1972, c. 77, s. 5 (2).

(3) A school attendance counsellor is responsible to the ^{To act under appropriate supervisory officer and provincial counsellor} appropriate supervisory officer, and shall carry out the instructions and directions of the Provincial School Attendance Counsellor. R.S.O. 1970, c. 424, s. 10 (3).

(4) A school attendance counsellor shall inquire into every ^{Inquiry by counsellor and notice} case of failure to attend school within his knowledge or when requested so to do by the appropriate supervisory officer or the principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith, and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 23. R.S.O. 1970, c. 424, s. 10 (4); 1972, c. 77, s. 5 (3).

26. A board may make or obtain a complete census of all ^{Census} persons in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1970, c. 424, s. 11; 1972, c. 77, s. 6.

27.—(1) The principal of every elementary and secondary ^{Reports and information} school shall,

- (a) report to the appropriate school attendance counsellor and supervisory officer the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance; and
- (c) report in writing to the school attendance counsellor every case of suspension, expulsion and readmission of a pupil. R.S.O. 1970, c. 424, s. 12 (1); 1973, c. 92, s. 6.

(2) Where a child of compulsory school age has not attended ^{Where no school attendance counsellor} school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the appropriate

supervisory officer shall notify the parent or guardian of the child of the requirements of section 20. R.S.O. 1970, c. 424, s. 12 (2).

Provincial
counsellor
as trustee

28. Where it appears to the Minister that a board is not providing accommodation for its resident pupils either in schools operated by the board or under an agreement with another board in schools operated by such other board, has neglected or failed to raise the necessary funds for the provision of such accommodation and instruction or has in other respects failed to comply with this Act and the regulations, or that the election of members of a board has been neglected and no regular board is in existence, the Minister may authorize and direct the Provincial School Attendance Counsellor to do all things and exercise all powers that may be necessary for the provision and maintenance of accommodation and instruction for the resident pupils of the board including the erection of school buildings and the conduct of schools and for the levying of all sums of money required for the purposes of the board, and generally whatever may be required for the purpose of establishing, maintaining and conducting schools in accordance with this Act and the regulations, and thereupon the Provincial School Attendance Counsellor has, for such period as authorized by the Minister, all the authority and powers vested in, and may, during such period, perform the duties of, the board. R.S.O. 1970, c. 424, s. 13, *amended*.

Liability of
parent or
guardian

29.—(1) A parent or guardian of a child of compulsory school age who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Bond for
attendance

(2) The provincial judge may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to submit to the Treasurer of Ontario a personal bond, in a form prescribed by the provincial judge, in the penal sum of \$200 with one or more sureties as required, conditioned that the person shall cause the child to attend school as required by this Part, and upon breach of the condition the bond is forfeit to the Crown. R.S.O. 1970, c. 424, s. 14 (1, 2), *amended*.

Employment
during school
hours

(3) A person who employs during school hours a child who is required to attend school under section 20 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 424, s. 14 (3); 1972, c. 77, s. 7 (1), *amended*.

Offences by
corporations

(4) Subsections 1 and 3 apply, *mutatis mutandis*, to a corporation and, in addition, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1970, c. 424, s. 14 (4).

(5) A child who is required by law to attend school and who refuses to attend or who is habitually absent from school is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a provincial judge in the Provincial Court (Family Division), and the provincial judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada), and subsection 2 of section 231 applies in any proceeding under this section. R.S.O. 1970, c. 424, s. 14 (5); 1972, c. 77, s. 7 (2), *amended*.

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. R.S.O. 1970, c. 424, s. 14 (6).

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 20, the provincial judge may refer the matter to the Provincial School Attendance Counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 23 which subsection shall apply *mutatis mutandis* except that the Provincial School Attendance Counsellor shall, in lieu of making an order, submit a report to the provincial judge. 1972, c. 77, s. 7 (3).

30.—(1) Prosecutions under section 29 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 1 of section 29 shall be instituted in the Provincial Court (Family Division).

(2) In prosecutions under section 29, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal.

(3) Where a person is charged under section 29 in respect of a child who is alleged to be of compulsory school age and the child appears to the provincial judge to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1970, c. 424, s. 15.

Order re
school
attendance

(4) An order made under subsection 2 of section 23 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made. 1972, c. 77, s. 8.

Resident
pupil right to
attend school

31. A person who is qualified to be a resident pupil of a school section, separate school zone or secondary school district has the right to attend school in such school section, separate school zone or secondary school district, as the case may be, without payment of a fee. R.S.O. 1970, c. 425, s. 62 (1), *amended*.

Resident
pupil
public school

32.—(1) Subject to sections 34 and 35, a person who attains the age of six years in any year is, after the 1st day of September in such year, a resident pupil in respect of a school section until the last school day in June in the year in which he attains the age of twenty-one years, if he enrolls in a public school in the school section or in a school operated by another board to which the board of such school section pays fees on his behalf and if,

- (a) he resides in the school section in which his parent or guardian who is not a separate school supporter resides; or
- (b) he or his parent or guardian is assessed for public school purposes in the school section,
 - (i) as an owner, or
 - (ii) for business assessment, or
 - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year. R.S.O. 1970, c. 385, s. 4 (1); 1971, c. 69, s. 1 (3); 1973, c. 37, s. 2, *amended*.

Resident
pupil separate
school

(2) Subject to sections 34 and 35, a person who attains the age of six years in any year is, after the 1st day of September in such year, a resident pupil in respect of a separate school zone until the last school day in June in the year in which he attains the age of twenty-one years, if he enrolls in a separate school in the zone or in a school operated by another board to which the board of such separate school zone pays fees on his behalf and if,

- (a) he resides in the separate school zone in which his parent or guardian who is a separate school supporter resides; or
- (b) he or his parent or guardian is assessed for separate school purposes in the zone,
 - (i) as an owner, or
 - (ii) for business assessment, or
 - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year. R.S.O. 1970, c. 430, s. 25 (1), *part*; 1971, c. 70, s. 1 (3); 1972, c. 137, s. 1, *amended*.

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend an elementary school, including proof of age. R.S.O. 1970, c. 385, s. 4 (3); R.S.O. 1970, c. 430, s. 25 (3). Evidence as to right to attend

33.—(1) Where a board operates a kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age one year lower than that referred to in section 32. Kindergarten

(2) Where a board operates a junior kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age two years lower than that referred to in section 32. R.S.O. 1970, c. 385, s. 4 (4, 5); R.S.O. 1970, c. 430, s. 25 (4, 5). Junior kindergarten

(3) A board may provide a class or classes for children to enter school for the first time on or after the first school day in January and, where the board so provides, a child whose birthday is on or after the 1st day of January and before the 1st day of July, who resides in an area determined by the board and who is eligible to be admitted to an elementary school or kindergarten, as the case may be, on the first school day in the following September, may become a resident pupil in respect of such class. 1973, c. 37, s. 1, *amended*. Beginners class

34.—(1) A person is not eligible to be a resident pupil in respect of an elementary school if he is unable by reason of When person not resident pupil

mental or physical handicap to profit by instruction in an elementary school. R.S.O. 1970, c. 385, s. 4 (1) (b); R.S.O. 1970, c. 430, s. 25 (1), *part.*

Inability to
profit by
instruction

(2) The inability of a pupil to profit by instruction in an elementary school because of a mental or physical handicap shall be determined by a committee established by the board in accordance with this section. R.S.O. 1970, c. 385, s. 4 (2); R.S.O. 1970, c. 430, s. 25 (2), *amended.*

Idem

(3) Where the principal of an elementary school considers that a pupil who attends his school is unable by reason of a mental or physical handicap to profit by instruction in an elementary school, or where the parents or guardian of a pupil consider that the pupil is unable to profit by instruction by reason of a mental or physical handicap, the principal shall refer the matter to the appropriate supervisory officer who shall refer the matter to the board, and the board shall appoint a committee of three persons consisting of a supervisory officer and a principal, neither of whom is the supervisory officer or principal to whom the matter has been previously referred, and,

- (a) a legally qualified medical practitioner where the pupil allegedly has a physical handicap; or
- (b) a legally qualified psychiatrist where the pupil allegedly has a mental handicap or a multiple handicap involving both mental and physical defect.

Inquiry by
committee

(4) The committee referred to in subsection 3 shall inquire into the alleged inability of the pupil to profit by instruction and the mental or physical condition of the pupil, determine whether the pupil can profit by instruction and make a written report to the board of its determination and, for the purposes of its inquiry, report and determination, the committee shall study all existing reports in respect of the pupil, hear the parents or guardian of the pupil and any other person who may be able to contribute information bearing upon the matter and may, with the consent of the parents or guardian of the pupil, obtain and consider in respect of the pupil,

- (a) in the case of alleged mental handicap, a report of an intellectual assessment conducted by a person considered by the committee to be competent for the purpose; and
- (b) in the case of alleged physical handicap, a report of a medical examination conducted by a legally qualified medical practitioner,

and any costs incurred in respect of such assessment or examination, or in respect of the obtaining of other evidence required by the committee, shall be paid by the board.

(5) Where the parent or guardian of a person determined ^{Review} under this section to be unable to profit by instruction in an elementary school,

- (a) believes that by reason of improvement in the mental or physical condition of the person or other cause the person has become able to profit by such instruction; and
- (b) furnishes to a supervisory officer of the board in whose jurisdiction the person resides evidence or information to establish his belief,

the board shall appoint a committee constituted in accordance with subsection 3 which shall review the determination previously made under this section and confirm or alter such determination, and for such purpose the committee has the powers and duties of a committee under subsection 4, which subsection applies *mutatis mutandis*.

(6) Where a person is excluded from an elementary school, ^{Notification of Minister re exclusion} the board shall forthwith notify the Minister. *New.*

35. Where a child who would otherwise have the right to attend school in a school section or separate school zone moves with his parent or guardian, ^{Admission where pupil moves into residence not assessed in accordance with his school support}

- (a) who is not a separate school supporter, into a residence that is assessed to the support of separate schools; or
- (b) who is a separate school supporter, into a residence that is assessed to the support of public schools,

and the latest date upon which the assessment of the residence may be changed from,

- (c) separate to public school support; or
- (d) public to separate school support,

has passed, upon the filing of a notice of change of support for the following year with the clerk of the municipality, the child shall be admitted, without the payment of a fee, to a public or separate school, as the case may be, that will be supported by the assessment of the residence on the effective date of the change of school support. R.S.O. 1970, c. 385, s. 5 (2); R.S.O. 1970, c. 430, s. 25 (11), *amended*.

Resident
pupil's right
to attend
more
accessible
school in
adjoining
school section
or separate
school zone

36. Where a resident pupil of a school section or separate school zone resides,

- (a) more than two miles by the shortest distance by road from the school that the pupil is required to attend; or
- (b) more than one-half mile by the shortest distance by road from any point from which transportation is provided to the school that the pupil is required to attend; and
- (c) nearer by the shortest distance by road to another public school in another school section in the case of a public school pupil, or to another separate school in another separate school zone in the case of a separate school pupil, than to the school that the pupil is required to attend,

the pupil shall be admitted to the nearer public school or the nearer separate school, as the case may be, referred to in clause *c*, where the appropriate supervisory officer for the school section or separate school zone, as the case may be, in which such school is situate, certifies that there is sufficient accommodation for the pupil in such school, and where the pupil is admitted to such school, the board of the school section or separate school zone of which he is a resident pupil shall pay in respect of the pupil a fee calculated in accordance with section 211. R.S.O. 1970, c. 385, s. 5 (4); R.S.O. 1970, c. 430, s. 25 (14), *amended*.

Resident
pupil
secondary
school

37.—(1) A person is a resident pupil in respect of a secondary school district if he enrolls in a secondary school in the secondary school district or in a school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf, and

- (a) he and his parent or guardian reside in the secondary school district; or
- (b) he or his parent or guardian is assessed in the secondary school district,
 - (i) as an owner, or
 - (ii) for business assessment, or
 - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the

quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

(c) he resides in the secondary school district and is the owner or tenant of property therein that is separately assessed; or

(d) he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district or to a secondary school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf. R.S.O. 1970, c. 425, s. 1, *part*; 1971, c. 68, s. 1; 1972, c. 75, s. 1, *amended*.

(2) Subsection 1 applies *mutatis mutandis* to a trainable Trainable
retarded child retarded child in respect of a school division.

(3) For the purposes of subsection 2, school division Metropolitan
Area
R.S.O. 1970,
c. 295 includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*. *New*.

(4) Notwithstanding any general or special Act, a person Admission of
adult resident
who is not a
resident pupil who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,

(a) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school; and

(b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school. 1972, c. 75, s. 17.

(5) Notwithstanding section 31, where a pupil,

(a) has completed elementary school; and

(b) has attended one or more secondary schools for a total of seven or more years,

Limitation on
right to
attend
without pay-
ment of fee

the board of the secondary school that he attends may charge a fee as provided in section 211. R.S.O. 1970, c. 425, s. 63 (5), *amended*.

Resident
pupil

38.—(1) Subject to subsections 2 and 3, a resident pupil of a secondary school district has the right to attend any secondary school,

- (a) that is more accessible to the pupil than any secondary school in the secondary school district of which he is a resident pupil;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is a resident pupil but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (c) to take a program of study that includes the subject of French for French-speaking pupils in the intermediate or senior division and that is not available in the secondary school district of which he is a resident pupil, where such program of study is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (d) to take a program in a French-language school or class if a French-language school or class is not provided by the board of the secondary school district of which he is a resident pupil. R.S.O. 1970, c. 425, s. 62 (2); 1972, c. 75, s. 16 (1).

Restrictions

(2) Subsection 1 applies to a resident pupil of a secondary school district only if the appropriate supervisory officer certifies that there is adequate accommodation for the pupil in the school. R.S.O. 1970, c. 425, s. 62 (4).

Where agree-
ment between
boards

(3) Clauses *b*, *c* and *d* of subsection 1 do not apply to a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under section 161 and the programs and subjects referred to in such clauses are offered in the schools covered by the agreement. R.S.O. 1970, c. 425, s. 62 (6); 1972, c. 75, s. 16 (2).

Admission of
resident pupil
from other
district

39.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by his parent or guardian or by the pupil where the pupil is an adult, stating,

- (a) the name of the secondary school district in respect of which he is a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school. R.S.O. 1970, c. 425, s. 65 (1); 1972, c. 75, s. 18.

(2) The principal of the school shall forward the statement ^{Notice of admission} to the chief executive officer of the board that operates the school and, if the pupil is admitted, the chief executive officer of the board shall forthwith notify the chief executive officer of the board of the secondary school district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement. R.S.O. 1970, c. 425, s. 65 (2).

40.—(1) Where a pupil has been promoted from elementary ^{Admission to secondary school} school, he shall be admitted to secondary school.

(2) A person who has not been promoted from elementary ^{Idem} school shall be admitted to a secondary school if the principal of the secondary school has satisfied himself that the applicant is competent to undertake the work of the school. R.S.O. 1970, c. 425, s. 61 (1, 2), *amended*.

(3) Where an applicant for admission to a secondary ^{Where admission denied} school under subsection 2 is denied admission by the principal, the applicant may appeal to the board.

(4) Subject to subsection 5, a secondary school pupil shall ^{Admission to course or program} be permitted to undertake the course or program of study that he elects provided that, where the pupil is a minor, the consent of his parent or guardian has been obtained. *New*.

(5) Where the pupil has clearly demonstrated to the ^{Alternative course or program} principal that he is not competent to undertake a particular course or program of studies that he has elected under subsection 4, the principal shall not permit him to undertake such course or program, in which case the pupil may take a prerequisite course, or select with the approval of the principal an appropriate alternative course or program provided that, where the pupil is a minor, the consent of his parent or guardian has been obtained. R.S.O. 1970, c. 425, s. 61 (3, 4), *amended*.

Admission
to evening
classes

(6) Subject to subsection 7, a person is entitled to enrol in a course of study in an evening class if, in the opinion of the principal after due examination or other investigation, he is considered competent to undertake the desired course, but his admission to such course does not entitle him to be admitted to a day course.

Idem

(7) A pupil enrolled in a full-time day course may be admitted to an evening class only with the consent of the principal of the day school that he attends. R.S.O. 1970, c. 425, s. 61 (5, 6), *amended*.

Admission
where one
parent is
sole support

41. Where, for any reason, one parent of a person is the sole support of the person, and that parent,

(a) resides in Ontario;

(b) is not assessed for school purposes in Ontario; and

(c) boards the person in a residence that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

R.S.O. 1970,
c. 65

the person shall, if otherwise qualified to be a resident pupil, be deemed to be a resident pupil in respect of,

(d) a school section, if such residence is situate in the school section and is assessed to the support of public schools; or

(e) a separate school zone, if the person is a Roman Catholic and such residence is situate in the separate school zone and is assessed to the support of separate schools; or

(f) a secondary school district, if such residence is situate in the secondary school district and is assessed to the support of secondary schools. R.S.O. 1970, c. 385, s. 5 (6); R.S.O. 1970, c. 425, ss. 64 (4), 77 (3); R.S.O. 1970, c. 430, s. 25 (10), *amended*.

Tax exempt
land

42.—(1) A person who resides in a school section, separate school zone or secondary school district in which his parent or guardian resides, on land that is exempt from taxation for school purposes, is not a resident pupil of the school section, separate school zone or secondary school district, unless the person or his parent or guardian is assessed and pays taxes for school purposes in such school section, separate school zone or secondary school district.

(2) A person who is otherwise qualified to attend an elementary or secondary school and who resides on land that is exempt from taxation for school purposes shall be admitted to a school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the person in the school for the current year, and fees as determined under section 211, except where the regulations provide otherwise in respect of such fees, shall be prepaid monthly by the person or by his parent or guardian. R.S.O. 1970, c. 425, s. 1, *part*; R.S.O. 1970, c. 430, s. 25 (16); 1971, c. 69, s. 1 (3), *part, amended*.

Resident on
land exempt
from
taxation

43.—(1) A child who is a ward of a children's aid society or in the care of a children's aid society, and who is otherwise qualified to be admitted to an elementary school, shall be admitted without the payment of a fee to an elementary school operated by the board of the school section or separate school zone, as the case may be, in which the child resides. 1971, c. 69, s. 1 (1); 1971, c. 70, s. 1 (1), *amended*.

Admission of
ward, etc.,
of children's
aid society to
an elementary
school

(2) A child who is a ward of a children's aid society or in the care of a children's aid society, and who is otherwise qualified to be admitted to a secondary school, shall be admitted without the payment of a fee to a secondary school operated by the board of the secondary school district in which the child resides. 1971, c. 68, ss. 6 (1), 7 (1).

Admission of
ward, etc., of
children's aid
society to a
secondary
school

44. Where a child who is in the custody of a corporation, society or person, has not the right under the other provisions of this Part to attend the school that the corporation, society or person elects that he attend, and the appropriate supervisory officer certifies that there is sufficient accommodation in such school for the current school year, the board that operates such school shall, where the child is otherwise qualified to attend such school, admit the child to the school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 211. R.S.O. 1970, c. 385, s. 5 (9); R.S.O. 1970, c. 425, s. 64 (3); R.S.O. 1970, c. 430, s. 25 (9).

Where fee
payable

45.—(1) Where, on the 31st day of December, 1968, a pupil was enrolled in a public, separate or secondary school that he had a right to attend, and the school on and after the 1st day of January, 1969, is situated in a school division or a combined separate school zone, as the case may be, other than the school division or the combined separate school zone in which the pupil resides, the pupil has, in addition to any other right that he may have under this Act, subject to subsection 5 of section 37, the right to attend the school until he completes his education in the school.

Right of
certain pupils
to attend
school in
another
jurisdiction

Idem

(2) Where any part of a school section, separate school zone or secondary school district, after the 1st day of January, 1969, forms part of a school division or a county or district combined separate school zone, as the case may be, other than the school division or county or district combined separate school zone in which the school that the pupils resident in such part had the right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the divisional boards concerned, or the county or district combined separate school boards concerned, as the case may be, agree to other arrangements for the accommodation of such pupils. R.S.O. 1970, c. 425, s. 43 (1, 2); R.S.O. 1970, c. 430, s. 92 (1, 2).

Idem

(3) Where, on the 31st day of December, 1973, a pupil is enrolled in a public or secondary school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any right that he may have under this Act, subject to subsection 5 of section 37, the right to attend the school until he completes his education in the school, and the divisional boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils. 1973, c. 91, s. 4 (1).

Idem

(4) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils. 1973, c. 117, s. 4 (1).

Application

(5) This section does not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. R.S.O. 1970, c. 425, s. 43 (3); R.S.O. 1970, c. 430, s. 92 (3).

Fees payable

46.—(1) Where a resident pupil of a secondary school district attends a secondary school that he has a right to attend under subsection 1 of section 38, the board of the secondary school district of which he is a resident pupil shall

pay a fee to the board that operates the secondary school attended by the pupil, calculated in accordance with section 211. R.S.O. 1970, c. 425, s. 63 (2).

(2) Where a resident pupil of a school division attends a ^{Idem} public or secondary school in another school division under section 45, the divisional board of which he is a resident pupil shall pay a fee to the divisional board that operates the school attended by the pupil, calculated in accordance with section 211. R.S.O. 1970, c. 385, s. 5 (15).

(3) Where a separate school pupil resident in a county or ^{Idem} district combined separate school zone attends a separate school in another combined separate school zone under section 45, the board of the combined separate school zone in which he resides shall pay a fee to the combined separate school board that operates the separate school attended by the pupil, calculated in accordance with section 211. R.S.O. 1970, c. 430, s. 25 (17), *amended*.

47.—(1) A child who resides with his parent or guardian in a residence that is assessed to the support of public schools and who may be excused from attendance under clause *c* of subsection 2 of section 20 may be admitted to a public school in another school section if the appropriate supervisory officer certifies that there is sufficient accommodation for him, and the board of the section in which the child resides shall pay to the board of the other school section a fee calculated in accordance with section 211. R.S.O. 1970, c. 385, s. 5 (3), *amended*. ^{Admission of resident pupil to another school by reason of distance to school}

(2) A board may admit to a school that it operates a person who, except as to residence, is qualified to attend such school, and may, at its discretion, require the payment by or on behalf of the person of a fee calculated in accordance with section 211. R.S.O. 1970, c. 385, s. 5 (14); R.S.O. 1970, c. 425, s. 62 (5), *amended*. ^{Admission of non-resident pupils}

PART III

PUBLIC AND SECONDARY SCHOOLS

Tax Exemption of Separate School Supporters

48. Nothing in this Act authorizing the levying or collecting of taxes on property rateable for public school purposes applies to the supporters of Roman Catholic separate schools or Protestant separate schools, except that the taxable property in respect of which a person gives notice under section 116 or 135 or under section 23 of *The Assessment Act* is not ^{Exemption of supporters of separate schools} ^{R.S.O. 1970, c. 32}

exempt from taxation for public school purposes imposed before the person becomes a separate school supporter in respect of such property. R.S.O. 1970, c. 385, s. 2, *amended*.

Visitors

Visitors

49. A parent or guardian of a child attending a public or secondary school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman may visit a public and secondary school in his constituency or in the area where he has pastoral charge, as the case may be. R.S.O. 1970, c. 385, s. 8 (1), *amended*.

Divisional Boards

Application to schools on exempt land

50.—(1) A school section or a secondary school district that is designated as such by the Minister on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on any lands that are exempt from taxation for school purposes, shall not be included in a school division.

Essex county

(2) For divisional board purposes, the County of Essex includes Pelee Island.

Territory without municipal organization deemed district municipality

(3) In respect of divisional boards of education,

- (a) every school section in existence on the 31st day of December, 1968 that comprised only territory without municipal organization, except a school section established under section 67 or 68;
- (b) any part of territory without municipal organization that on the 31st day of December, 1968 was part of a high school district but was not in a school section; and
- (c) any part of territory without municipal organization that is designated by a regulation made under subsection 2 of section 52 as part of a school division and on the 31st day of December, 1968 was not in a school section or in a high school district,

shall be deemed to be a district municipality. R.S.O. 1970, c. 425, s. 27 (2-4), *amended*.

Powers and duties of divisional board re territory without municipal organization

51.—(1) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall, for public school purposes and for secondary school purposes, exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, levying rates,

collecting taxes and issuing debentures for the purposes of the divisional board, and with respect thereto and to the election of members of the divisional board all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 5 to 11 of section 65 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school purposes in such district municipality in the ratio that the assessment of such property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes, and shall be included in the levy imposed for school purposes on such property. R.S.O. 1970, c. 425, s. 27 (5); 1972, c. 136, s. 2, *amended*.

(2) Except as provided in subsection 4, where any part of territory without municipal organization that is included in a school division is attached to a municipality for public school purposes or is deemed to be attached to a municipality for public and secondary school purposes, such part shall continue to be deemed to be attached to such municipality for the purposes of the divisional board, and the officers of such municipality shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to such part of territory without municipal organization that forms part of the school division as with respect to any part of the school division that is within the municipality, and the expenses incurred in connection therewith shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school purposes in such territory without municipal organization in the ratio that the assessment of such property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes and shall be included in the levy imposed for school purposes on such property, but the divisional board may, by resolution passed before the 1st day of July in any year effective on the 1st day of January next following, a copy of which resolution shall be given forthwith to the clerk of the municipality and the appropriate assessment commissioner, assume responsibility for all such duties and obligations in respect of such territory. R.S.O. 1970, c. 425, s. 27 (7), *amended*.

(3) The divisional board in preparing estimates of the sums required to be raised under subsection 1 or 2 shall,

(a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that

Parts of
territory
without
municipal
organization
attached to
municipality

Estimates to
include
expenses of
collection,
etc., and
allowances to
be made

it is estimated will not be collected during the year in such part of the territory without municipal organization;

- (b) include the proper proportion of the salaries and expenses of the officers involved, having regard to the time spent by such officers on their duties under subsection 1 or 2; and
- (c) include the cost of providing elections of members of the board in such territory. R.S.O. 1970, c. 385, s. 40 (2), *amended*.

Where attached territory not included with municipality for election

(4) Where any part of territory without municipal organization is attached to a municipality for public school purposes, or is deemed to be attached to a municipality for public and secondary school purposes, and such part is included, pursuant to subsection 9 of section 57, with one or more municipalities in a combined area for the election of one or more members of the divisional board and the combined area does not include the municipality to which such part is so attached, such part shall be deemed to be attached for election purposes to the municipality that has the greatest residential and farm assessment in the combined area according to the last revised assessment roll as adjusted by the latest assessment equalization factor applicable thereto for each such municipality, provided by the Minister, and the provisions of subsection 2 apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 27 (8); 1972, c. 1, s. 63 (1); 1972, c. 75, s. 6 (3).

Elections in improvement districts

(5) The secretary-treasurer of an improvement district that forms all or part of a school division, in each year in which an election for members of the divisional board is to be held, shall provide for such election in the improvement district in the same manner as for the election of members of a divisional board in a municipality and shall have all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a divisional board under *The Municipal Elections Act, 1972*. R.S.O. 1970, c. 425, s. 27 (9); 1972, c. 75, s. 6 (4), *amended*.

1972, c. 95

School divisions, in counties

52.—(1) On and after the 1st day of January, 1969,

- (a) every defined city; and
- (b) every county, including all municipalities situate therein, except a defined city,

is a school division.

(2) The Lieutenant Governor in Council may by regulation, ^{in territorial districts}

(a) designate any area in the territorial districts as a school division;

(b) assign a name to the divisional board for each such school division;

(c) alter the boundaries of any such school division.

(3) For the purposes of every Act, a school division shall be deemed to be a school section and a secondary school district. R.S.O. 1970, c. 425, s. 28, *amended*. ^{deemed public school section and secondary school district}

53.—(1) A divisional board of education shall be established in each school division, and the members of the board shall be elected and the board organized in accordance with sections 50 to 57. ^{Divisional boards establishment}

(2) Every divisional board is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon, ^{Powers and duties}

(a) a public school board for public school purposes; and

(b) a secondary school board for secondary school purposes.

(3) The name of a divisional board that has jurisdiction in a defined city is "The Board of Education for the City of " (*inserting the name of the defined city*). ^{Name of board, defined city}

(4) The name of a divisional board that has jurisdiction in one county is "The.....County Board of Education" (*inserting the name of the county*). ^{county}

(5) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is "The..... Board of Education" (*inserting a name selected by the board and approved by the Minister*). ^{regional municipality}

(6) The name of a divisional board that has jurisdiction in the territorial districts is "The..... Board of Education" (*inserting the name assigned by the regulations*). R.S.O. 1970, c. 425, ss. 21 (2), 29 (1-6). ^{territorial districts}

(7) A member of a divisional board who is, ^{Members to be trustees}

(a) elected by separate school electors; or

(b) appointed, in the case of a vacancy,

(i) by the remaining members elected to the divisional board by separate school electors, or

(ii) by a separate school board,

is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceeding that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes. 1971, c. 68, s. 4, *amended*.

Trustees

(8) All members of a divisional board are trustees for the purposes of schools for trainable retarded children. R.S.O. 1970, c. 425, s. 72.

Amalgamation and alteration of school divisions

54.—(1) With the approval of the Lieutenant Governor in Council and in accordance with the regulations, effective on the 1st day of January of the year 1971 or of any second year thereafter,

(a) two or more adjoining school divisions may be combined to form one school division, and the board of the combined school division shall be a divisional board of education; and

(b) one or more municipalities may be detached from a school division and attached to an adjoining school division.

Idem

(2) Where two or more school divisions are combined,

(a) the divisional board of each such school division is dissolved; and

(b) all real and personal property vested in the board of each such school division becomes vested in the divisional board of the combined school division,

upon the date upon which a divisional board is organized for the combined school division.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing the terms and conditions upon which and the manner in which,

(i) two or more adjoining school divisions may be combined, or

(ii) the boundaries of a school division may be altered;

(b) assigning a name to the divisional board of a combined school division. R.S.O. 1970, c. 425, s. 45, *amended*.

(4) Where the boundaries of a school division are altered, all lands and premises that,

Alteration of boundaries:
disposition of assets and liabilities

(a) are situate in an area that is added to a school division, school section or secondary school district by such alteration;

(b) are used as schools on the last school day preceding the effective date of such alteration; and

(c) immediately prior to the effective date of such alteration are vested in another board of education, public school board or secondary school board except a board appointed or formed under section 68,

shall, on and after such effective date, be vested without compensation, subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the board of the school division, school section or secondary school district to which such area is added, and the boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

(5) Any dispute as to the disposition of property under subsection 4 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Dispute

(6) The employment contract of every employee of a board who, immediately before the effective date of the alteration of the boundaries of a school division, was required to perform his duties in a school that is vested under subsection 4 in the board of a school division, school section or secondary school district becomes an obligation of the board in which the school is vested.

Employment contracts

(7) Subject to subsection 11, where one or more municipalities are detached from a school division and attached to an adjoining school division and a member of the board of the school division from which the municipality or municipalities

Representation of municipalities detached and added to another school division

are detached resides in one such municipality and was elected by public school electors to represent such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such member shall, on the effective date of the attaching of the municipality or municipalities, cease to be a member of the board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by public school electors to the board of the school division to which the municipality in which he resides is attached; and
- (b) to represent on such board the municipality in which he resides and the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 9 of section 57 at the time of his election and that are also attached to such school division,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 9 of section 57 as a municipality or municipalities to be represented by one member to be elected by the public school electors.

Where board
reduced by
transfer of
area

(8) Where one or more municipalities are detached from a school division and the number of members of the board of such school division elected by public school electors is reduced pursuant to subsection 7, for the remainder of the term of the board the number of members who remain on the board and who were elected by public school electors and the total number of members who remain on the board shall be deemed to be the number of members to be elected by public school electors under subsection 4 of section 57 and the total number of members determined under subsection 2 of section 57 respectively.

Represent-
ation of
public school
electors of
municipality
attached to
school
division

(9) Subject to subsection 11, where a municipality or part thereof is detached from a school division and attached to an adjoining school division, school section or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division, school section or secondary school district, the public school electors of such municipality or part shall be represented thereon by the member or members last elected thereto by the public school electors of the municipality, combination of municipalities or ward that adjoins the attached municipality or part and, where there are two or more such organized municipalities, combinations of municipalities or wards, the

members of the board elected by public school electors shall, by resolution, determine which member or members shall represent the public school electors in the attached municipality or part for the remainder of the term of office of the board, but this subsection does not apply to the municipality or municipalities that will be represented by a member by virtue of subsection 7.

(10) Subject to subsection 11, where one or more municipalities or part or parts thereof are detached from a school division and attached to an adjoining school division or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division or secondary school district, the separate school supporters in each such municipality or part shall be represented thereon by the member or members last elected thereto by the separate school electors in the area that adjoins such attached municipality and for which one or more members are elected to represent separate school supporters.

(11) Subsections 7, 9 and 10 do not apply where a regular election of the board is to be held in the year preceding the effective date on which the municipality, municipalities or part or parts thereof are attached to the adjoining school division, school section or secondary school district, as the case may be. 1973, c. 91, s. 1.

55.—(1) Where a school division comprises only a defined city, the members to be elected to the divisional board by public school electors shall, except where the method of election is that provided under subsection 1 or 2 of section 56, be elected by a general vote of such electors, in which case the number of members shall be determined by the population of the municipality as follows, where the population is,

- (a) less than 10,000, six members;
- (b) 10,000 or more but less than 50,000, eight members;
- (c) 50,000 or more but less than 100,000, ten members;
- (d) 100,000 or more, twelve members. R.S.O. 1970, c. 385, s. 16 (2); R.S.O. 1970, c. 425, s. 37 (1), *amended*.

(2) Where it becomes evident from the population of a defined city that the number of members of the divisional board to be elected by public school electors should be increased or decreased, at the next election of trustees the proper number of members shall be elected. R.S.O. 1970, c. 385, s. 16 (3), *amended*.

Members
elected by
separate
school
electors

(3) In addition to the members elected by the public school electors under subsection 1 or section 56, the separate school electors in the defined city shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected by the public school electors by the ratio of the residential and farm assessment of the property rateable for separate school purposes in the defined city to the residential and farm assessment of the property rateable for public school purposes in the defined city, according to the latest revised collector's roll, but in no case shall the number of members to be elected under this subsection be fewer than two. R.S.O. 1970, c. 425, s. 37 (2), *amended*.

Clerk to make
determina-
tion

(4) The clerk of the defined city shall make the determination under subsection 3 and shall send to the secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination. 1972, c. 75, s. 10.

Election
by separate
school
electors in
defined city

(5) The members to be elected under subsection 3 shall be elected as provided in subsection 21 of section 57, which subsection applies *mutatis mutandis*. R.S.O. 1970, c. 425, s. 37 (3), *amended*.

Defined city
divided into
wards

56.—(1) The number of members to be elected by the public school electors of a defined city that is divided into wards may be two for each ward, elected by the electors of that ward. R.S.O. 1970, c. 385, s. 17 (1); 1972, c. 74, s. 4.

Where
five or more
wards

(2) Where a defined city is divided into five or more wards, the number of members to be elected by the public school electors may be one for each ward, elected by the electors of that ward. R.S.O. 1970, c. 385, s. 17 (2), *amended*.

Method of
changing
composition
and election
of board

(3) Subject to subsection 5, the number of members to be elected by the public school electors of a defined city that is divided into wards, and the method of their election, may be changed from the existing number and method to another number and method that is in accordance with section 55 or this section by resolution passed by majority vote of the members of the board who were elected by the public school electors, and upon notice thereof given by the chief executive officer of the board to the clerk of the defined city before the 1st day of July next preceding the election. R.S.O. 1970, c. 385, ss. 17 (3), 18 (1), *amended*.

Election of
new board
after change

(4) At the election next following the giving of the notice required under subsection 3, the proper number of members shall be elected. R.S.O. 1970, c. 385, s. 18 (3), *amended*.

(5) A change in the method of election may not be made under this section unless the board has been elected by the existing method for at least the two preceding regular elections. R.S.O. 1970, c. 385, s. 18 (4), *amended*. Limitations
on changing
election

57.—(1) In this section,

Interpre-
tation

- (a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *c* as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;
- (b) “population” means the population as determined under *The Municipal Unconditional Grants Act* for the purposes of that Act or under *The Regional Municipal Grants Act* for the purposes of that Act; R.S.O. 1970,
cc. 293, 405
- (c) “residential and farm assessment” means the residential and farm assessment upon which taxes are levied in the year in which,
 - (i) a determination referred to in this section is made, or
 - (ii) nominations are held,
 as the case may be. R.S.O. 1970, c. 425, s. 38 (1); 1972, c. 75, s. 11 (1-3), *amended*.

(2) Subject to subsections 4, 5 and 6, the number of members on a divisional board, except a divisional board of a defined city, shall be determined by the total population of the municipalities, not including any territory without municipal organization that is deemed a district municipality, within the school division, as follows, where the population is, Composition
of board for
other than
defined city

- (a) less than 50,000, fourteen members;
- (b) 50,000 or more but less than 100,000, sixteen members;
- (c) 100,000 or more but less than 150,000, eighteen members;
- (d) 150,000 or more, twenty members,

provided that where a school division in the territorial districts comprises fewer than four municipalities, not including any territory without municipal organization that is deemed a

district municipality, where the population of such municipalities in the school division is,

(e) less than 3,500, five members;

(f) 3,500 or more but less than 5,000, eight members; and

(g) 5,000 or more but less than 10,000, ten members.

Change in
number of
members

(3) Where it becomes evident from the population of the municipalities in a school division that the number of members on a divisional board should be increased or decreased in accordance with subsection 2, at the next election of members the proper number of members shall be elected.

Number of
members to be
elected by
public school
electors

(4) The public school electors of the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but in no case shall the number of members to be elected under this subsection be fewer than,

(a) six where the number of trustees under subsection 2 is fourteen or more; or

(b) four where the number of trustees under subsection 2 is fewer than fourteen.

Number of
members to be
elected by
separate
school
electors

(5) The separate school electors in the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but where the product obtained is less than one, one member shall be elected under this subsection. R.S.O. 1970, c. 425, s. 38 (2-5).

Number of
members to be
elected by
public school
electors in a
city and in
county or
district
municipi-
palities

(6) The number of members of a divisional board to be elected by the public school electors,

(a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being

raised to the next higher integer, obtained by multiplying the number of members determined under subsection 4 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the city to the equalized residential and farm assessment of all the property rateable for public school purposes in the school division; and

- (b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause a for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than one. R.S.O. 1970, c. 425, s. 38 (6); 1972, c. 75, s. 11 (4).

(7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made, When determination to be made under subss. 4-6

- (a) under subsections 4, 5 and 6 if,

- (i) it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased, or
- (ii) the boundaries of the school division are altered effective the 1st day of January next following the election, or
- (iii) the boundaries of the school division have been altered subsequent to the latest determination;

- (b) under subsection 6 if,

- (i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or
- (ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

Where city
does not
qualify for
at least one
member to be
elected by
public school
electors

- (8) Where a city is not entitled to one or more members under clause *a* of subsection 6, the city shall be deemed to be a county or district municipality for the purposes of subsections 6 and 9, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 9. R.S.O. 1970, c. 425, s. 38 (7, 8); 1973, c. 91, s. 3 (1), *amended*.

Distribution
of members to
be elected by
public school
electors in
county or
district
municipalities

- (9) With respect to,

- (a) the county municipalities in a county that comprises a school division, the council of the county;
- (b) the county municipalities in a regional municipality that are in a school division and the county municipalities in a school division that comprises a county and part of a regional municipality, the clerks of the three county municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division; and
- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division and the clerk of each town or village in which a secondary school is located in the school division and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities

within the school division are altered or are to be altered effective the 1st day of January next following the election. R.S.O. 1970, c. 425, s. 38 (9); 1972, c. 75, s. 11 (5, 6), *amended*.

(10) Where two or more county municipalities that are not in a regional municipality are combined under subsection 9 for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and, where the clerks of such combined municipalities so determine,

Distribution
of members
within com-
bined munic-
ipalities

- (a) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and
- (b) where the remainder of a county municipality is to be represented by two or more members, subsections 21 and 22 apply *mutatis mutandis* in respect of such remainder.

(11) Where the determination made under subsection 10 apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of members to be elected by the public school electors of the combined municipalities as determined under subsection 9 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who

Appeal from
determination
under
subs. 10

shall either reapportion the number of members in accordance with clause *a* of subsection 10 or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final. 1972, c. 75, s. 11 (7).

When
determina-
tion to be
made

(12) The determination under subsection 9 shall be made before the 1st day of September, and the determination under subsection 10 may be made before the 15th day of September, in each year in which an election is to be held if,

- (a) a determination is made in accordance with subsection 7; or
- (b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or
- (c) the boundaries of the school division are altered, or are to be altered effective the 1st day of January next following the election. R.S.O. 1970, c. 425, s. 38 (10); 1972, c. 75, s. 11 (8); 1973, c. 91, s. 3 (2).

Where judge
to make
determina-
tion

(13) Where the determination under subsection 9 is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 14, and where, for any reason, the determination is not made before the 1st day of October, the election shall proceed on the basis of the latest determination. 1972, c. 75, s. 11 (9), *amended*.

Determina-
tion

(14) In determining under subsection 9,

- (a) the number of members to be elected by the public school electors of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more members by the public school electors of such municipalities,

the council of the county or the clerks of the district municipalities, or the clerks of the county municipalities in a school division in a regional municipality, as the case may be, shall apportion the number of members determined under clause

b of subsection 6, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

(15) Notwithstanding subsection 14, where the equalized ^{Idem} residential and farm assessment of the property rateable for separate school purposes in a school division in a territorial district is less than 5 per cent of the equalized residential and farm assessment of all the rateable property in the school division, and where the equalized residential and farm assessment of the property rateable for public school purposes in a district municipality, expressed as a percentage of the total residential and farm assessment of all such property in the district municipalities in the school division, differs by fifteen or more percentage points from the population of such municipality expressed as a percentage of the total population of all the district municipalities comprising the school division, the clerks of the district municipalities shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the population of a district municipality or combination of district municipalities bears to the total population of all the district municipalities comprising the school division, and the right of appeal as provided in subsection 16 applies, but shall be based upon population rather than equalized residential and farm assessment.

(16) Where the determination made under subsection 9 ^{Appeal from determination} allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the judge who shall either reapportion the number of members in accordance with subsection 14 or, where he determines that the determination was made in accordance with subsection 14, confirm the determination, and his decision is final.

Information
for
determina-
tion

(17) The clerk of each city and of each county municipality, district municipality or regional municipality in a school division and the chief executive officer of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose. R.S.O. 1970, c. 425, s. 38 (12-15), *amended*.

By whom
determina-
tion to be
made

(18) The determinations required to be made under subsections 2, 4, 5, 6 and 24 shall be made in respect of a school division,

- (a) in a county or in a county and part of a regional municipality, by the clerk of the county;
- (b) entirely in a regional municipality, by the clerk of the regional municipality;
- (c) in the territorial districts except in a regional municipality,
 - (i) by the clerk of the organized district municipality, or
 - (ii) where the school division does not include an organized district municipality, by the clerk of the city,

that has the greatest equalized residential and farm assessment for public school purposes in the school division,

and the clerk who makes such determinations shall send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

- (d) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 25, a copy of each of the determinations made under subsections 2, 4, 5, 6, 9, 24 and 25; and
- (c) before the 1st day of October in each year in which a determination is made by the judge under subsection 13 or 25, a copy of the determination. R.S.O. 1970, c. 425, s. 38 (16); 1972, c. 75, s. 11 (10); 1972, c. 136, s. 4, *amended*.

(19) The council of any municipality concerned and a divisional board on behalf of any territory without municipal organization that is deemed a district municipality may, within ten days of the mailing of the determination made under subsection 4, 5, 6 or 24, appeal to the judge with respect to the accuracy of the determination, and his decision is final, and the clerk of the county or the clerk of the county or district municipality responsible for making such determination shall make such changes in such determination as the judge requires.

Questions
to be
determined
by judge

(20) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 16 or 19, shall apply to the election next following such determination, and the divisional board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New
determina-
tion where
former
determina-
tion improper

(21) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school electors, as the case may be, in the municipality, provided that, where it is determined under this section that the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate school electors in a municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school electors, as the case may be, in each of such areas. R.S.O. 1970, c. 425, s. 38 (17-19).

Election by
public school
electors and
by separate
school
electors

(22) A by-law for the purpose mentioned in subsection 21 and a by-law repealing any such by-law shall not be passed later than the 1st day of October in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remain in force until repealed. R.S.O. 1970, c. 425, s. 38 (20), *amended*.

Time for
passing
by-law

Election by
public school
electors in
county and
district
municipalities

(23) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection 10, be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection 10 or 11, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

- (a) the nominations in each case shall be submitted to the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the result of the vote. 1972, c. 75, s. 11 (11).

Number of
members to be
elected by
separate
school
electors in
cities and
county or
district
municipalities

(24) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school electors under subsection 5 exceeds one, the number of members to be elected by the separate school electors of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution
of members to
be elected by
separate
school
electors

(25) Where it is determined under subsection 5 or 24 that the number of members to be elected by the separate school electors of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 12, 13, 14 and 16, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a secondary school is located in the school division shall be deemed to refer only to a town or village that is in a separate school zone. R.S.O. 1970, c. 425, s. 38 (22, 23).

(26) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school electors, subsections 10 and 11 apply *mutatis mutandis* to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations. 1972, c. 75, s. 11 (12). Distribution of members within combined municipalities

- (27) Where the number of members, Election of members by separate school electors
- (a) determined under subsection 5 is one, such member shall be elected by a general vote of the separate school electors of the school division; or
 - (b) to be elected by the separate school electors of the county or district municipalities under subsection 24 is one, such member shall be elected by a general vote of the separate school electors of the county or district municipalities in the school division. R.S.O. 1970, c. 425, s. 38 (24).

- (28) Where, Idem
- (a) one member is to be elected by a general vote of the separate school electors of a school division or of the separate school electors of the county or district municipalities in a school division; or
 - (b) two or more municipalities are combined for the purpose of the election of one or more members by the separate school electors,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the member or members are to be elected who shall send

to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *c*, who shall prepare the final summary and announce the result of the vote. R.S.O. 1970, c. 425, s. 38 (25); 1972, c. 75, s. 11 (13).

Secretary of
board deemed
clerk for
elections in
areas deemed
district
municipalities

- (29) For the purposes of clause *b* of subsection 23 and clause *d* of subsection 28, the chief executive officer of the divisional board of a school division shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the school division. R.S.O. 1970, c. 425, s. 38 (26).

Elections

- (30) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1972, c. 75, s. 11 (14).

Effect of
boundary
change on
elections

- (31) Where the boundaries of a school division are to be altered effective on the 1st day of January next following the election of members of the board of the school division, the boundaries of the school division shall be deemed to have been so altered for all purposes relating to such election. 1972, c. 136, s. 5.

Boards of Education

Interpre-
tation

- 58.**—(1) In this section and in section 59, “board of education” means a board of education other than a divisional board of education. R.S.O. 1970, c. 425, s. 20.

Establish-
ment and
status of
board

- (2) A board of education may be established in a secondary school district that is not a school division to perform the duties of a secondary school board for the district and the duties of a public school board for the school section or sections situated within the boundaries of the district and, where a board of education is established, subsection 2 of section 53 applies, *mutatis mutandis*.

Name of
board

- (3) The name of a board of education that has jurisdiction in one municipality is “The Board of Education for theof.....”
(inserting the name of the municipality).

(4) The name of a board of education that has jurisdiction ^{Idem} in more than one municipality is "The..... Board of Education" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 425, s. 21, *amended*.

(5) A member of a board of education elected by separate ^{Members to be trustees} school electors or, in the case of a vacancy, by the remaining members elected by separate school electors is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceeding that affects public schools exclusively and all other members of a board of education are trustees for public and secondary school purposes. 1971, c. 68, s. 3, *amended*.

- (6) Upon the organization of a board of education, ^{Assets, liabilities, etc.}
- (a) the secondary school board and all public school boards in the secondary school district are dissolved;
 - (b) all the property vested in such boards becomes vested in the board of education; and
 - (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. R.S.O. 1970, c. 425, s. 22.

59. Where a board of education is established for one ^{Composition of boards of education} municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 55, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school electors shall be,

- (a) where the population of the municipality is 50,000 or more, not fewer than two; and
- (b) where the population of the municipality is less than 50,000, not fewer than one. R.S.O. 1970, c. 425, s. 24 (1).

*School Sections Outside School Divisions in
the Territorial Districts*

60.—(1) On and after the 1st day of January, 1974, every ^{School section to be in district school area} school section that is in a territorial district but is not in a school division or designated as a school section under section 68 is a district school area, and the board of each such school section is a public school board and shall be known as a district school area board, and the members thereof shall remain in office until the 31st day of December, 1974 and until their successors are elected and a new board is organized.

Formation and alteration of district school area (2) In respect of the territorial districts, the Minister may, on or before the 1st day of July in any year, to be effective on the 1st day of January next following,

- (a) form any part thereof that is not in a school section into a district school area;
- (b) combine two or more district school areas into one district school area;
- (c) add a part thereof that is not in a school division to a district school area; or
- (d) detach a portion thereof from one district school area and attach it to another district school area or form it into a new district school area.

Notification of assessment commissioner (3) Where a district school area is formed or altered under subsection 2, the appropriate provincial supervisory officer shall notify the assessment commissioner concerned.

Effective date for election purposes (4) Notwithstanding subsection 2, the formation or alteration of a district school area thereunder shall, for all purposes relating to the election of a board, be deemed to be effective on the 1st day of July in the year of such formation or alteration.

Arbitration (5) Where the boundaries of a district school area are altered in accordance with clause *b* or *d* of subsection 2, the Minister shall, by order, provide for arbitration of the assets and liabilities of the boards concerned.

Name of board (6) The board of a district school area is a corporation by the name of "The.....District School Area Board" (*inserting a name selected by the board and approved by the Minister*). *New.*

New district school areas **61.**—(1) Where a district school area is formed under clause *b* of subsection 2 of section 60, upon the effective date of such formation the existing public school boards in the new district school area are dissolved, and, subject to subsection 5 of section 60,

- (a) the property vested in such boards is vested in the new district school area board; and
- (b) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the district school area board.

(2) Where the boundaries of a district school area are altered or a new district school area is formed under clause *d* of subsection 2 of section 60, upon the effective date of such alteration or formation, and, subject to subsection 5 of section 60, Alteration and formation: disposition of assets and liabilities

- (a) all real and personal property of the board situate in the part of the school section that is detached is vested in the board of the district school area to which such part is attached, or in the board of the new district school area, as the case may be; and
- (b) all debts, contracts, agreements and liabilities of the board in respect of the part of the district school area that is detached become obligations of the board of the district school area to which such part is attached or of the board of the new district school area, as the case may be. *New.*

62.—(1) In sections 62, 63 and 64, “public school elector” Public school elector means in respect of territory without municipal organization, owners and tenants of property in such territory without municipal organization, including their spouses who are Canadian citizens or British subjects and of the full age of eighteen years and who are not separate school supporters.

(2) Subject to subsections 3 and 4, a district school area board shall be composed of three members. Composition of board

(3) Where a school section that is to become a district school area on the 1st day of January, 1974, has a board of five members, the district school area board shall be composed of five members. Idem

(4) Before the 1st day of July of an election year, the board of a district school area that is not an improvement district may, by resolution approved at a meeting of the public school electors, determine that the number of members to be elected shall be increased from three to five and, at the next following election, five members shall be elected. Increase in number of members

(5) The election of members of the board of a district school area that is not an improvement district shall be held in the year 1974 and in every second year thereafter, and the members shall hold office for a term of two years except that, Election year and term of office

- (a) where a new district school area is formed to take effect on the 1st day of January in the year 1974 or in any second year thereafter the first members new board in “off election year”

of such board shall be elected in the year preceding such 1st day of January and shall hold office for one year ; or

idem

- (b) where the boundaries of a district school area are altered to take effect on the 1st day of January in the year 1974 or in any second year thereafter, a new district school area board shall be elected in the year preceding such 1st day of January, and the members so elected shall hold office for one year.

Members to remain in office

- (6) The members of a district school area board shall remain in office until their successors have been elected and a new board is organized. *New.*

Elections and Meetings of Electors

Election date

- 63.**—(1) Except as provided in section 64, a district school area board shall be elected at a meeting of the public school electors held on the first Monday in December in the year of an election at a time and place selected by the board.

Notice of meeting

- (2) At least six days before a meeting under subsection 1 or 6, the secretary of the board shall post notice of the meeting in three or more of the most prominent places in the district school area and may advertise the meeting in such other manner as the board considers expedient.

Meeting

- (3) Meetings of public school electors shall be conducted in the manner determined by the public school electors present at the meeting by a presiding officer selected by such electors, but the election of members of the board shall be by ballot, and the minutes of the meeting shall be recorded by a secretary selected by such electors.

First meeting

- (4) The first meeting for the election of a board of a district school area formed or altered under subsection 2 of section 60 shall be held at a time and place named by a person, designated by the Minister, who shall make the necessary arrangements for the meeting.

Minutes to be sent to Ministry

- (5) A correct copy of the minutes of every meeting of the public school electors, signed by the presiding officer and the secretary of the meeting, shall, within ten days after the meeting, be transmitted by the presiding officer to the Ministry.

Special meetings

- (6) A special meeting of the public school electors shall be called by the secretary when directed by the board or upon

the request in writing of five public school electors of the area, by posting notice of the meeting in three or more of the most prominent places in the district school area, and such notice shall include a clear statement of the date, time, place and objects of the meeting, and the meeting may be advertised in such other manner as is deemed necessary. *New.*

(7) If objection is made to the right of a person in territory without municipal organization to vote at a meeting under this section, or at an election under section 64, the presiding officer or the returning officer, as the case may be, shall require the person to make the following declaration: Declaration where right to vote objected to

I,, declare and affirm that:

1. I am the owner (*or* tenant) of property in The..... District School Area; *or*, I am the spouse of the owner (*or* tenant) of property in The..... District School Area;
2. I am of the full age of eighteen years;
3. I am a Canadian citizen or British subject;
4. The property in respect of which I claim the right to vote is not assessed to the support of separate schools;
5. I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote. R.S.O. 1970, c. 385, s. 34 (7); 1971, c. 98, s. 4, Sched., par. 27, *amended*.

(8) The provisions of *The Municipal Elections Act, 1972*, Corrupt practices 1972, c. 95 in respect of corrupt practices apply to the election of members of a board of a district school area.

(9) In addition to the duties of a secretary, under this Act, the secretary of the board of a district school area shall perform such other duties as are assigned to him by the board. Additional duties of secretary
New.

64.—(1) Notwithstanding section 63, before the 1st day of July in an election year, the board of a district school area may, by resolution approved at a meeting of the electors, determine that the board shall conduct the elections in the same manner as for the members of a divisional board of education, except that the members shall be elected by a general vote of the electors of the district school area and for such purposes subsection 1 of section 51 applies *mutatis mutandis* to the district area board and to the officers of such board. Elections

Idem (2) The board shall give notice of the determination made under subsection 1 to the electors in the same manner as provided in subsection 7 of section 63.

Idem (3) Where a district school area comprises,

- (a) a municipality other than an improvement district;
- (b) a municipality and territory without municipal organization;
- (c) all or part of two or more municipalities; or
- (d) all or parts of two or more municipalities and territory without municipal organization,

1972, c. 95 the election of the board of such district school area shall be conducted under *The Municipal Elections Act, 1972*, and for the purposes of an election under this section in an improvement district or in territory without municipal organization the secretary of the board shall be the returning officer and shall perform all the duties that are required of a municipal clerk in relation to the election of members of a divisional board. *New.*

Powers and duties **65.**—(1) The board of a district school area that includes territory without municipal organization shall, for public school purposes and in accordance with the regulations for community recreation purposes, exercise the powers and duties of a municipal council for such territory in respect of levying rates and collecting taxes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed by the board on the property rateable for public school purposes in such territory without municipal organization. R.S.O. 1970, c. 385, s. 38 (1), *part, amended.*

Auditors and financial matters (2) Subject to subsection 3, the provisions of sections 203, 204, 205 and 206 respecting auditors, debentures, estimates and apportionment apply *mutatis mutandis* in respect of a district school area and to the board thereof. R.S.O. 1970, c. 385, s. 38 (1), *part, amended.*

Rates in municipality (3) Where a district school area includes a municipality, section 208 applies *mutatis mutandis* to the council of the municipality. *New.*

Debentures (4) A district school area board in territory without municipal organization may not apply to the Ontario Municipal Board in respect of the issue of debentures for a permanent

improvement until such issue has been sanctioned at a special meeting of the public school electors. 1971, c. 69, s. 3, *amended*.

(5) The board of a district school area may appoint a tax collector who has in that part of the district school area that is not a municipality the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township. R.S.O. 1970, c. 385, s. 42 (1, 2); 1971, c. 69, s. 4, *amended*. Collection of taxes

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the territorial district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed. Return of arrears of taxes in unorganized territory

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector. Entry in sheriff's book

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof, and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payments of arrears thereafter

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same, as nearly as may be, as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. Sale of land for arrears

Where tax
arrears pro-
cedures of
R.S.O. 1970,
c. 118
in effect

(11) Where the tax arrears procedures under *The Municipal Affairs Act* are in effect in a district school area, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. R.S.O. 1970, c. 385, s. 42 (3-8), *amended*.

Rates for
first year
to be levied
on current
assessment

(12) In the first year that any territory without municipal organization is included in a district school area, the rates for that year shall be levied on the assessment of the property in such territory made for that year. R.S.O. 1970, c. 425, s. 3 (5), *amended*.

District
school area to
be inactive

66.—(1) Where the number of public school pupils of compulsory school age residing in a district school area is fewer than ten and the board has ceased to operate a school, the Minister may declare the district school area inactive as of the 31st day of December in any year. R.S.O. 1970, c. 385, s. 43 (1); 1973, c. 37, s. 5, *amended*.

Accounts in
inactive area

(2) When a district school area is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited, and forward to the Ministry the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund.

Board
dissolved

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2 he shall dissolve the board and the district school area shall cease to exist as of the date that the district school area was declared inactive under subsection 1.

Records to be
forwarded to
Ministry

(4) The records of the dissolved board of the district school area shall be filed as the Minister may direct and, for the purposes of this Act, the pupils resident in such area shall be deemed not to reside in a school section. R.S.O. 1970, c. 385, s. 43 (2-4), *amended*.

Certain
school
sections to
cease to exist

(5) Every inactive school section the board of which was dissolved prior to the 1st day of January, 1974 shall cease to exist on the 1st day of January, 1974. *New*.

Closing of
school by
Minister

(6) Where in any district school area there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the area shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs. R.S.O. 1970, c. 385, s. 53 (3), *amended*.

*Secondary Schools Outside School Divisions
in Territorial Districts*

67.—(1) The Lieutenant Governor in Council may establish ^{In territorial districts} any area in the territorial districts that is not part of a school division as a secondary school district and may discontinue or decrease or increase the area of any such secondary school district and, if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. R.S.O. 1970, c. 425, s. 2 (1).

(2) Where a secondary school district is established under subsection 1, the Lieutenant Governor in Council may make ^{Board in territorial districts outside school divisions} regulations providing for,

- (a) the formation and composition of a secondary school board;
- (b) the apportionment of costs within the secondary school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council. R.S.O. 1970, c. 425, s. 3 (1), *amended*.

(3) The board shall exercise the powers and duties of a municipal council for that part of the secondary school district that comprises territory without municipal organization in respect of levying rates and collecting taxes for secondary school purposes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed on the property rateable for secondary school purposes in such territory without municipal organization. R.S.O. 1970, c. 425, s. 3 (2, 4), *amended*. ^{Powers and duties}

(4) The provisions of sections 203 and 205 respecting auditors and estimates apply *mutatis mutandis* to the board of a secondary school district established under this section. ^{Auditors and estimates}

(5) Where a secondary school district established under this section includes a municipality, section 208 applies *mutatis mutandis* to the council of the municipality. ^{Rates in municipality}

Collection
of taxes

(6) Subsections 5 to 12 of section 65 apply *mutatis mutandis* in respect of a secondary school district established under this section and to the board thereof.

Board of
education

(7) The Lieutenant Governor in Council may establish a board of education for a secondary school district established under subsection 1, in which case the other provisions of this section and subsections 5 and 6 of section 58 apply, *mutatis mutandis*, to the board of education for public school purposes and for secondary school purposes. R.S.O. 1970, c. 425, s. 2 (2), *amended*.

Boards on Tax Exempt Land

Public school
on Crown
lands

68.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a school section and may appoint as members of the board such persons as he considers proper, and the board so appointed is a body corporate by the name indicated in the order establishing the school section and has all the powers and duties of a divisional board for public school purposes. R.S.O. 1970, c. 385, s. 12 (1, 2), *amended*.

Secondary
school on
exempt land

(2) Where, in the opinion of the Minister, it is desirable to establish and maintain a secondary school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a secondary school district, and may appoint as members of the board such persons as he considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district and has all the powers and duties of a divisional board for secondary school purposes.

Board of
education on
exempt land

(3) Where a secondary school district has been established under subsection 2, the Minister may authorize the formation of a board of education for the district and may provide for the name of the board, its composition and the term or terms of office of the members thereof, and for all other purposes the provisions in respect of divisional boards apply to the board. R.S.O. 1970, c. 425, s. 4 (1, 2), *amended*.

Section not
to be included
in district
school area
or school
division

(4) No school section or secondary school district established under this section shall be included in a district school area or a school division. R.S.O. 1970, c. 385, s. 12 (3), *amended*.

*Schools for Trainable Retarded Children***69.**—(1) In sections 69 to 78,Interpre-
tation

- (a) “committee” means an advisory committee on schools for trainable retarded children;
- (b) “divisional board” means a divisional board of education and includes The Metropolitan Toronto School Board;
- (c) “local association” means a parent’s group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board;
- (d) “school division” includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;
- (e) “trainable retarded child” means a child whose intellectual functioning is below the level at which he could profit from a special education program for educable retarded children.

R.S.O. 1970,
c. 295

(2) For the purposes of sections 69 to 78, The Metropolitan Toronto School Board shall be deemed to be organized as a divisional board on the 1st day of January, 1969. R.S.O. 1970, c. 425, s. 69, *amended*.

Metropolitan
Toronto
School Board

70.—(1) Subject to subsection 2, every divisional board shall provide adequate accommodation for the trainable retarded children who reside in the school division and shall establish and maintain a school or class for the trainable retarded children who are admitted under section 75 and, except as provided in section 76, a school or class for trainable retarded children to which this Act applies may be operated only by a divisional board.

Provision of
adequate
accommoda-
tion

(2) A divisional board may, in lieu of establishing and maintaining a school or class for trainable retarded children, enter into an agreement with another divisional board to provide for the instruction of the trainable retarded children who reside in the school division of the first-mentioned board in a school or class for trainable retarded children under the jurisdiction of the other board and for the payment of fees in respect of such pupils. *New*.

Agreement
with other
divisional
board

(3) Where a child referred to in subsection 2 is admitted to or excluded from a school or class for trainable retarded children by the admissions board of the divisional board that operates the school or class, such admission or ex-

Admission
deemed
decision
of sending
board

clusion shall be deemed to be a decision of an admissions board for the board of the school division in which the child resides. R.S.O. 1970, c. 425, s. 73, *part*.

Right to
attend
school

71.—(1) Subject to section 75, a trainable retarded child whose parent or guardian resides in a school division has the right to attend a school or class for trainable retarded children established by the board of the school division or provided under an agreement made under subsection 2 of section 70.

Admission
of other
children

(2) Subject to section 75, a divisional board may admit to a school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1. R.S.O. 1970, c. 425, s. 77 (1, 2), *amended*.

Advisory
committee

72.—(1) A divisional board shall establish an advisory committee on schools for trainable retarded children.

Composition

(2) The committee shall consist of six members, of which,

- (a) three shall be appointed by the divisional board from among its members; and
- (b) three shall be appointed by the local association, or where there is more than one local association, three shall be appointed at a joint meeting of the associations concerned or, where there is no local association, three who are not members of the board shall be appointed by the board.

Qualifica-
tions of
members

(3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the divisional board.

Term of
office

(4) The members of the committee shall hold office until the expiry of the term for which the members of the divisional board were elected.

Vacancies

(5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the divisional board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant. R.S.O. 1970, c. 425, s. 73, *amended*.

Allowance

(6) The divisional board may pay to each member of the committee who is not a member of the divisional board an allowance in accordance with subsection 1 of section 164,

except that the maximum allowance shall be based upon the enrolment in schools or classes for trainable retarded children and subsection 5 of the said section 164 applies *mutatis mutandis* to such member. R.S.O. 1970, c. 425, s. 73 (6).

73.—(1) A majority of the members of the committee is a ^{Quorum} quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) The members of the committee shall, at their first ^{Chairman} meeting, elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting.

(3) On every motion, the chairman may vote with the ^{Chairman voting} other members of the committee, and any motion on which there is an equality of votes is lost.

(4) The divisional board shall make available to the com- ^{Personnel and services available to committee} mittee such personnel and services as the divisional board considers necessary for the proper functioning of the committee. R.S.O. 1970, c. 425, s. 74.

74.—(1) The committee may make recommendations to the ^{Powers of committee} divisional board relating to matters affecting the establishment and development of programs, services and facilities in respect of trainable retarded children.

(2) Before making a decision on a recommendation of the ^{Right of committee to be heard} committee, the divisional board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. R.S.O. 1970, c. 425, s. 75, *amended*.

75.—(1) A child may be admitted to or excluded from a ^{Admission or exclusion by admissions board} school or class for trainable retarded children operated by a divisional board only upon the decision of an admissions board consisting of,

- (a) the principal of the school to which the child seeks admission;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the board;
- (c) a supervisory officer designated by the divisional board that operates the school or, where such divisional board has not appointed a supervisory officer, a provincial supervisory officer designated by the Minister; and

- (d) where all or part of the municipality in which the school is located is in a separate school zone, a supervisory officer designated by the separate school board having jurisdiction in such zone and, where such separate school board has not appointed a supervisory officer, a provincial supervisory officer designated by the Minister,

and the divisional board shall establish the procedures to be followed by the admissions board in respect of admission to or exclusion from a school or class for trainable retarded children. R.S.O. 1970, c. 425, s. 77 (6); 1973, c. 91, s. 6, *amended*.

Chairman of
admissions
board

- (2) The principal of the school to which the child seeks admission shall be the chairman of the admissions board. R.S.O. 1970, c. 425, s. 77 (7).

Operation of
school for
trainable
retarded by
board not in
school
division

76.—(1) Where all or part of a Roman Catholic separate school zone is situate in a district school area and the total enrolment of the pupils in the public schools in such area and in the separate schools in such zone exceeds 300, the public school board, with the approval of the Minister, may establish and operate a school or class for trainable retarded children and, except as otherwise provided in this section, sections 70, 71, 72, 73, 74, 75, 77 and 78 apply *mutatis mutandis* in respect of such school or class.

Advisory
committee

(2) Notwithstanding subsection 2 of section 70, the board that operates a school or class for trainable retarded children under subsection 1 shall establish an advisory committee for trainable retarded children consisting of,

- (a) two members appointed by such board from among its members;
- (b) one member appointed by the board of the separate school zone referred to in subsection 1 from among its members; and
- (c) two members appointed by the local association or, where no local association has been established, two members appointed by the board that operates the school or class, who shall not be members of such board. 1972, c. 136, s. 6, *amended*.

Fees for
non-resident
pupils

77.—(1) Where a divisional board provides instruction in a school or class for trainable retarded children for a pupil whose parent or guardian does not reside in the school division, the board of the school division or secondary school district

in which his parent or guardian resides, shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 211.

(2) Where a divisional board provides instruction in a school or class for trainable retarded children for a pupil whose parent or guardian does not reside in a school division or a secondary school district but does reside in a school section or in a separate school zone, the board of the school section or separate school zone of which the parent or guardian is a supporter shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 211.

Fees where residence in school section and separate school zone

(3) Where a child is admitted to a school or class for trainable retarded children but his parent or guardian is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a school section for which a board has been appointed under subsection 1 of section 68 or that have been designated a secondary school district for which a board has been appointed under subsection 2 of section 68, the board shall pay to the divisional board a fee calculated in accordance with section 211.

Admission of child resident on tax-exempt lands

R.S.O. 1970, c. 425, s. 78, *amended*.

78.—(1) Where a pupil resides in a school division with his parent or guardian in a residence from which daily transportation to a school or class for trainable retarded children that he has a right to attend is impracticable due to distance or terrain as certified by the appropriate supervisory officer of the school division in which the pupil resides, the board of the school division in which his parent or guardian resides may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends.

Boarding of pupils where daily transportation impracticable

(2) Where a pupil resides in a school section or in a separate school zone, but not in a school division, with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the school section or separate school zone, the board of the school section or of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by

Idem

the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends:

Idem

(3) Where a pupil resides in a territorial district, but not in a school division, school section or separate school zone, with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer of the divisional board of the school that he attends, the divisional board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. R.S.O. 1970, c. 425, s. 79, *amended*.

Certification
of
attendance

(4) For the purpose of certifying attendance under subsections 1, 2 and 3, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. *New*.

PART IV

ROMAN CATHOLIC SEPARATE SCHOOLS

Application
of Part

79. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1970, c. 430, s. 16.

Zones

Boundaries of
zones

80.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of
zone

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres where
two or more
schools

(3) Where a board operates two or more separate schools, there shall be a centre for each school.

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land. Centre where board owns land but does not operate school

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister, the clerks of the municipalities concerned and the chief executive officers of the divisional boards or the secretaries of public school boards affected, before the 30th day of September of the year in which the parcel was so approved. Centre where board does not operate school or own site

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated. Centres of combined zone

(7) Subject to section 82, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. Rural and combined separate school zone

(8) Subject to section 82, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within, Urban separate school zone

(a) a township; or

(b) an urban municipality in which a separate school zone has not been established,

and that is within a radius of three miles from a centre in the urban municipality.

(9) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. R.S.O. 1970, c. 430, s. 54 (1-8, 10), *amended*. Zones not to include organized and unorganized territory

81.—(1) For each separate school zone that includes part or all of a township or territory without municipal organization, the appropriate separate school supervisory officer shall, Maps and descriptions of zones

(a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;

- (b) describe each zone by indicating the name of the board, the centre of the zone, and the municipalities wholly or partly within the zone;
- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
 - (i) to each separate school board, a map or description of its zone,
 - (ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and
 - (iii) to the chief executive officer of a divisional board or the appropriate supervisory officer for a public school board affected, a description of each separate school zone within the area of his jurisdiction.

Arbitrate
assets and
liabilities

(2) Where a separate school zone is established and the boundaries of adjoining separate school zones are thereby altered, the board concerned shall, in the manner provided in subsection 4, appoint a board of arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the board of arbitrators is final and binding.

Rates in
unorganized
territory in
combined zone

(3) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the levying and collecting of rates for separate schools in the territory without municipal organization and the board and the council of the municipality may enter into an agreement providing for the officers of the municipality to levy and collect rates for separate schools in such territory without municipal organization. R.S.O. 1970, c. 430, s. 54 (11-13), *amended*.

Constitution
of board of
arbitrators

(4) The appropriate supervisory officer, a person chosen by the newly established board and a person chosen by each of the separate school boards, the boundaries of which have been altered, shall constitute a board of arbitrators. R.S.O. 1970, c. 430, s. 37 (2), *amended*.

82.—(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the appropriate supervisory officers shall, after they have consulted with the boards involved, determine a boundary between each of the zones in the township or territory. R.S.O. 1970, c. 430, s. 55 (1). ^{Boundaries where zones overlap}

(2) Where more than one supervisory officer is involved in the determination under subsection 1, and the supervisory officers fail to make a determination, the matter shall be referred to the judge by the board concerned that has the greatest equalized assessment for separate school purposes. ^{Failure to make determination}
New.

(3) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees. ^{When alteration effective}

(4) A separate school board or a separate school supporter affected by the determination of the supervisory officer may appeal the determination to the judge before the 1st day of August following the determination. ^{Appeal}

(5) The boundaries of a separate school zone as determined by the supervisory officer or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining. ^{All parts of zone to be adjoining}

(6) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the supervisory officer or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. R.S.O. 1970, c. 430, s. 55 (2-5). ^{Effect of change in boundaries}

Formation and Discontinuance of Zones

83.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a city, town, village, or a six-mile square area in one or more townships and not within an area designated by the regulations made under subsection 2 of section 103, may convene a public meeting of persons desiring to establish a separate school zone with centre therein. 1972, c. 76, s. 3, *amended*. ^{Meeting to establish separate school zone}

- Procedure (2) Where such a meeting is held, the persons present shall,
- (a) elect a chairman and a secretary for the meeting;
 - (b) pass a motion determining the centre of the separate school zone to be established;
 - (c) where the zone to be established is in one or more townships, subject to clause *b* of subsection 5, select a name for the board;
 - (d) elect the required number of trustees; and
 - (e) require the chairman of the meeting to transmit notice in writing of the holding of the meeting and of the election of trustees to the clerks of the municipalities and to the chief executive officer of the divisional board or the secretary of the public school board, as the case may be, for the area in which the separate school zone is to be established designating by name and residence each of the persons elected as trustees. R.S.O. 1970, c. 430, s. 20 (1); 1972, c. 76, ss. 4 (1), *part*, 28, *part*, *amended*.
- Certification (3) Each of the officers receiving the notice shall certify thereon the date of its receipt, and shall transmit a copy of the notice so certified to the chairman of the meeting. *New*.
- Notification (4) The chairman of the meeting shall forthwith transmit the copy of the certified notice, a copy of the minutes of the meeting, and of the notice calling it, to,
- (a) the Minister; and
 - (b) the appropriate assessment commissioner. 1972, c. 76, s. 4 (1), *part*, *amended*.
- Corporate name (5) On and after the transmission to the Minister of the documents referred to in subsection 4, the separate school zone is established and the trustees named therein are a body corporate under the name,
- (a) in the case of a city, town, or village, "The Roman Catholic Separate School Board" (*inserting the name of the city, town, or village, as the case may be*); or

- (b) in the case of a portion of one or more townships, "The.....Roman Catholic Separate School Board" (*inserting the name selected under clause c of subsection 2 and approved by the Minister*). R.S.O. 1970, c. 430, s. 21 (3), *amended*.

(6) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 91, the trustees shall be elected by general vote. R.S.O. 1970, c. 430, s. 20 (2).

In urban municipalities in wards

(7) The formation of a separate school is not rendered invalid by reason only of a vacancy in the office of a trustee occurring before the trustees become a body corporate, provided that the vacancy is filled forthwith and the Minister is provided with the information required under clause *e* of subsection 2 in respect of the filling of the vacancy.

Formation not rendered invalid by reason only of vacancy in office of trustee

(8) For the purpose of qualifying to be elected as a trustee at a meeting to establish a separate school zone, a Roman Catholic who is otherwise qualified under subsection 1 of section 192 is deemed to be a separate school supporter. *New.*

Roman Catholic deemed separate school supporter

84.—(1) Not fewer than,

New zone in unorganized territory

(a) ten heads of families; or

(b) where the zone is to be united, effective on the 1st day of January in the following year, with one or more separate school zones to form a combined separate school zone, five heads of families,

being Roman Catholics and being householders or freeholders resident within territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 103 may convene a public meeting of persons desiring to establish a separate school zone therein, and the provisions of subsections 2, 3, 4 and 8 of section 83 apply *mutatis mutandis*.

(2) On and after the transmission to the Minister of the documents referred to in subsection 4 of section 83, the separate school zone is established and the trustees named therein are a body corporate under the name of, "The.....Roman Catholic Separate School Board" (*inserting the name selected under clause c of subsection 2 of section 83 and approved by the Minister*).

Corporate name

Powers of
trustees

(3) The trustees elected at a meeting convened under subsection 1 have all the powers of a public school board in territory without municipal organization and are in all other respects subject to the provisions of this Act that apply to rural separate school boards.

Where school
not united

(4) Where in any year a separate school zone is established by not fewer than five heads of families under clause *b* of subsection 1, the public meeting for the election of trustees shall be held before the 1st day of June in that year, and the only powers and duties of the separate school board so formed are to proceed in the same year to implement the provisions of section 87, and if the separate school zone is not united with one or more separate school zones to form a combined separate school zone before the 1st day of August in that year under section 87, the board is dissolved on that date. R.S.O. 1970, c. 430, s. 22 (1-3); 1972, c. 76, s. 5, *amended*.

Right to vote
in year of
establish-
ment of zone

85. A Roman Catholic who is a householder or freeholder and of the full age of eighteen years and who desires to establish a separate school zone under section 83 or 84 is entitled, in the year in which the separate school zone is established, to vote on any matter relating to such separate school if,

- (a) in the case of a separate school zone in one or more townships or in territory without municipal organization, he resides in the separate school zone; or
- (b) in the case of an urban municipality, he resides in the municipality. R.S.O. 1970, c. 430, s. 24; 1971, c. 98, s. 4, Sched., par. 31, *amended*.

Legislative
grants

86. On receipt by the Minister of the documents required under section 83 or 84 that a separate school zone has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sums as may be approved by the Lieutenant Governor in Council. R.S.O. 1970, c. 430, s. 22 (4), *amended*.

Formation of
combined
separate
school zones
in non-
designated
areas

87.—(1) A separate school board or five supporters of a separate school that is not within an area designated by the regulations made under subsection 2 of section 103 may, before the 1st day of July in any year, hold a meeting of the supporters of such separate school to consider the question of uniting the separate school zone with one or more other separate school zones in such area to form a combined separate school zone and, where the majority of such supporters present at each such meeting who vote on

the question, vote in favour of the union and of the adjustments referred to in subsection 2, each such board shall give notice of the decision, before the 1st day of August of the same year, to the Minister, the clerks of the municipalities affected, and the appropriate municipal assessors, and the combined separate school zone thus formed shall be deemed to be one zone for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one zone on the day of nomination for trustees of the combined separate school board.

(2) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time. Adjustment of rights

(3) When a combined separate school zone is formed, the board of each zone forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school zone. Dissolution of boards

(4) The trustees of a combined separate school board are a corporation by the name of "The Combined Roman Catholic Separate School Board" (*inserting the name selected by the board and approved by the Minister*). R.S.O. 1970, c. 430, s. 34 (1-4), *amended*. Corporate name of trustees

88.—(1) Where, in an area not designated by the regulations made under subsection 2 of section 103, a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school zone from the combined separate school zone is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. Detaching school zone from combined school zone

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre of the portion of the combined separate school zone that it is proposed to detach than any other centre. Qualified voters detaching a separate school zone from a combined separate school zone

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the zone it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school zone so detached shall be elected as provided in section 90 or 100, as the case may be. When school zone detached

Adjustment
of assets, etc.

(4) Where a zone or zones is or are detached under this section, subsection 13 of section 80 applies *mutatis mutandis*, except that the combined separate school board and the board or boards of the zone or zones detached shall each appoint an arbitrator. R.S.O. 1970, c. 430, s. 35, *amended*.

Dis-
continuing
board by a
vote of the
supporters

89.—(1) In an area not designated by the regulations made under subsection 2 of section 103, a separate school board or five supporters of such board may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the clerk of each municipality concerned and the secretary of any school board that may be affected thereby and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

Other
conditions
under which a
separate
school board
is dis-
continued

(2) A separate school board is discontinued on the 31st day of December in any year,

- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a school; or
- (b) if, for any school term after the year in which the board was established the board,
 - (i) fails to operate a school, or
 - (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause *c* of subsection 2 of section 20; or
- (c) if no one is assessed as a separate school supporter in the separate school zone in relation to property in respect of which taxes are to be levied in the following year; or
- (d) if the supporters fail to elect the required number of trustees in two successive regular elections.

Supervisory
officer to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the appropriate supervisory officer for separate schools shall forthwith notify the Minister, the clerks of the municipi-

palities concerned and the secretaries of the public school boards affected thereby.

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Ministry of Treasury, Economics and Intergovernmental Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. Settling accounts

(5) The records of a board that has been discontinued under this section shall be filed with the Ministry. Records

(6) The boundaries of the zones that are altered as a result of discontinuing a separate school zone shall be revised by the appropriate supervisory officer. Boundaries to be revised

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the appropriate separate school supervisory officer is notified that an offer to purchase the real property has been made, he shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property. Sale of real property

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. Deposit of funds from sale

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the manner provided in section 83 or 84, and the funds that were deposited by the board that was discontinued shall be returned to the board. R.S.O. 1970, c. 430, s. 56, *amended*. Re-establishing a board

Urban Separate Schools

90.—(1) Urban separate school zones in existence on the 1st day of January, 1972 are hereby continued and are subject to the provisions of this Act. *New*. Continuance of urban separate school zones

(2) Except as provided in section 91, the trustees of an urban separate school board shall be elected by general vote for a term of two years. R.S.O. 1970, c. 430, s. 38 (1); 1972, c. 76, s. 7. Election of trustees in urban municipalities by general vote

Number of
trustees

(3) The number of trustees on an urban separate school board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held, as follows, where the population was,

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

Change in
number of
trustees

(4) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected. R.S.O. 1970, c. 430, s. 38 (2, 3).

Urban
municipality
divided into
wards

91.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, elected by the separate school electors of that ward for a term of two years. R.S.O. 1970, c. 430, s. 39 (1); 1972, c. 76, s. 8.

Where five or
more wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward, elected by the separate school electors of that ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 90. R.S.O. 1970, c. 430, s. 39 (2, 3).

Method of
changing
composition
and election
of board

92.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 91 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the electors of the separate schools of the urban municipality and has received the affirmative vote of a majority of the electors who voted on the resolution.

Election of
new board
after change

(2) At the election following an affirmative vote of a majority of the separate school electors who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until their successors are elected and the new board is organized.

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected by the existing method for at least the two preceding regular elections. R.S.O. 1970, c. 430, s. 40, *amended*. Limitation on changing method of election

93.—(1) The election of trustees of an urban separate school board shall be conducted in the same manner as municipal elections. R.S.O. 1970, c. 430, s. 44 (1), *amended*. Conduct of elections

(2) *The Municipal Elections Act, 1972* applies *mutatis mutandis* to the election of such trustees, except that the oath to be taken by a voter shall be: Application and form of oath 1972, c. 95

You swear that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of eighteen years;

That you are a Roman Catholic separate school elector;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

So help you God.

R.S.O. 1970, c. 430, ss. 44 (4) (*e*), 45; 1971, c. 98, s. 4, Sched., par. 31; 1972, c. 76, s. 10 (2), *amended*.

94. In urban municipalities every person who is a separate school elector is entitled to vote at the election of trustees of the separate schools. R.S.O. 1970, c. 430, s. 46, *amended*. Election of trustees, who may vote

95. Notwithstanding the provisions of this or any other Act, including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in *The Municipal Elections Act, 1972* but who, Residents other than supporters entitled to vote 1953, c. 119

(a) is a Canadian citizen or other British subject;

(b) is of the full age of eighteen years; and

(c) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and,

where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election. 1972, c. 76, s. 11.

Where person
residing out
of urban
municipality
to vote

96. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. R.S.O. 1970, c. 430, s. 57.

Rural Separate Schools

Trustees'
term of office

97.—(1) The board of a rural separate school shall consist of three trustees who, subject to subsection 3, shall be elected in the year 1974 and in every second year thereafter and shall hold office for two years and until their successors are elected and the new board is organized. R.S.O. 1970, c. 430, s. 26, *amended*.

Term of
office

(2) All trustees of a rural separate school board who hold office when the new board is organized in the year 1974 shall cease to hold office on the 31st day of December, 1974.

Where first
election held
in 1973

(3) Where the first election of a newly-established board is held in 1973 or in any second year thereafter, the trustees elected in such year shall hold office for one year and until their successors are elected and the new board is organized. *New*.

Organization
and quorum

(4) A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and by the appointment of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1970, c. 430, s. 30.

Regularity

(5) No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required under section 98 and at which at least two trustees are present. R.S.O. 1970, c. 430, s. 31.

Electors,
qualifications

(6) Every householder or freeholder of the full age of eighteen years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1970, c. 430, s. 28 (1); 1971, c. 98, s. 4, Sched., par. 31.

Idem

(7) Every person who is a Roman Catholic and is the spouse of a supporter of a rural separate school who is entitled to vote under subsection 6, and where elections are held under *The Municipal Elections Act, 1972*, every person who is a separate school elector in the area of jurisdiction of the

1972, c. 95

board of such school, is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. R.S.O. 1970, c. 430, s. 28 (2), *amended*.

98.—(1) It is the duty of every rural separate school board ^{Duties of rural boards:} and it has power,

(a) to appoint the place of each annual school meeting ^{time and place of meetings} of the supporters of the school, and the time and place of any special meeting for,

- (i) filling any vacancy in the board,
- (ii) the selection of a new school site,
- (iii) the appointment of a school auditor, or
- (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

(b) to cause to be prepared and read at the annual ^{annual report} school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school moneys during such year, and signed by the chairman and by one or both of the school auditors. R.S.O. 1970, c. 430, s. 50 (3) (a, c).

(2) Where a rural separate school board neglects or the ^{Appointment of auditor by the Minister} supporters at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1970, c. 430, s. 33, *amended*.

99.—(1) A separate school board in territory without ^{Appointment of collector} municipal organization may appoint a person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person and may pay to the collector at the rate of not less than 5

and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

**Powers and
duties of
collectors**

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and subsections 5, 6, 7, 8 and 9 of section 65 apply *mutatis mutandis*. R.S.O. 1970, c. 430, s. 22 (5, 6), *amended*.

**Annual
meeting**

100.—(1) A meeting of the supporters of a rural separate school for the purpose of electing trustees and for any other school purpose shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Idem

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, which shall be held on that day in each year thereafter until some other day is similarly named.

**Organization
of meeting**

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this section.

**Order of
business**

(4) The business of the meeting may be conducted in the following order,

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) appointing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

(5) The presiding officer shall submit all motions to the meeting in the manner desired by the majority, and is entitled to vote on any motion, and, Duties of presiding officer

(a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost.

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee, the presiding officer shall forthwith grant the poll. Granting poll and proceedings in case of a poll

(7) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in poll book

(8) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper

(9) A voter shall mark his ballot, Marking of ballot paper

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. Manner of voting

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1970, c. 430, s. 29 (1-11), *amended*. Appointment of scrutineer

Declaration
where right
to vote
objected to

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the presiding officer shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

I,, declare,

(a) that I am a Roman Catholic and a householder or freeholder assessed to the support of; or
(insert name of board)

(b) that I am a Roman Catholic and the spouse of a supporter of; and
(insert name of board)

(c) that I am of the full age of eighteen years; and

(d) that as such supporter or spouse of a supporter I have the right to vote at this meeting.

R.S.O. 1970, c. 430, s. 29 (12); 1971, c. 98, s. 4, Sched., par. 31, *amended*.

When poll
shall close

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at
afternoon
meetings

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Counting
votes, tie vote

(15) When the poll is closed, the presiding officer and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,

(a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost.

Declaration
of result

(16) In the case of an election of trustees, the presiding officer shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a motion he shall declare it carried or lost as the majority of votes is in favour of or against the motion.

(17) A statement of the result of the vote shall be certified by the presiding officer and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate. Statement of result of poll

(18) A correct copy of the minutes of every meeting, signed by the presiding officer and secretary of the meeting, shall be transmitted forthwith by the secretary to the Ministry. Secretary to transmit minutes to Ministry

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time, the appropriate separate school supervisory officer or any two supporters of the school may call a meeting by giving six days notice posted in at least three of the most public places in the locality in which the school is situate. R.S.O. 1970, c. 430, s. 29 (13-19), *amended*. Meetings called in default of first or annual meeting

101.—(1) Where a combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone, the trustees in office shall retire on the 1st day of January following the election of trustees of the combined separate school zone and, subject to subsection 5, five trustees shall be elected by the supporters of the newly-created or altered combined separate school zone as provided in section 100, who shall hold office for two years and otherwise the provisions of section 97 apply. R.S.O. 1970, c. 430, s. 34 (6), *amended*. Trustees

(2) Every trustee shall continue in office until his successor has been elected and the new board is organized. R.S.O. 1970, c. 430, ss. 34 (7), *part*, 42. Trustee in office until organization of new board

(3) For the purpose of electing the first trustees for a combined separate school zone, the boards of the separate schools forming the combined separate school zone shall, before the 1st day of December, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 93 or 100, as the case may be. R.S.O. 1970, c. 430, s. 34 (5), *amended*. First trustees

(4) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have under section 90 and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone. Trustees in combined separate school zone including urban municipality

Resolution
providing for
trustees

(5) Notwithstanding subsections 1 and 4, the board of a combined separate school zone may be composed of such number of trustees, not fewer than five or more than nine, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school zone, by the committee formed under subsection 3, and the board of the combined separate school zone shall be deemed to be an urban separate school board.

Election and
term of office

(6) Where a resolution is passed under subsection 5, the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 93, 94 and 95 apply *mutatis mutandis*, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards.

Voters list
for areas in
combined
zone

(7) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization, and the election is conducted under section 93, the provisions of subsection 21 of section 110 apply *mutatis mutandis*.

Copy of
resolution to
be sent to
Minister

(8) The board or committee that passes a resolution under subsection 5 shall forthwith send a copy thereof to the Minister. R.S.O. 1970, c. 430, s. 34 (10-14), *amended*.

Electors'
qualifica-
tions, urban
combined
separate
school zone

(9) Every person,

- (a) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 94; or
- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 97 if the combined separate school zone were a rural separate school zone,

is entitled to vote at the election of trustees of the combined separate school zone and on any school question.

Electors'
qualifica-
tions, rural
combined
separate
school zone

(10) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 97 is entitled to vote at the election of trustees of the combined separate school zone and, subject to subsection 5 of section 97, on any school question. R.S.O. 1970, c. 430, s. 34 (16, 17), *amended*.

102.—(1) It is the duty of a separate school board and it has power, Duties of board:

(a) to appoint, where required, one or more collectors of school fees or rate-bills, who may be members of the board, and who shall discharge all duties, have powers similar to those of like officers of a municipality, and be subject to the obligations of and the penalties applicable to such officers; appointment of officers

(b) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collecting of all rates for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board; collection of rates

(c) to appoint annually on or before the 1st day of December an auditor or auditors; appointment of auditors

(d) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money; and accounts

(e) to exercise all such other powers and perform all such other duties of boards as are applicable to public school boards, except where otherwise expressly provided in this Part. R.S.O. 1970, c. 430, s. 50 (1), *part*; 1971, c. 70, s. 2, *amended*. other powers and duties

(2) A separate school board may establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction. *New*. Religious education

*County and District Combined Roman Catholic
Separate School Zones*

103.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area designated by the regulations made under subsection 2 are united to form a county or district combined separate school zone, as the case may be. County and district combined separate school zones

(2) The Lieutenant Governor in Council may make regulations, Regulations

- (a) designating areas in Ontario in which the separate school zones whose centres are within the areas are to be united to form county or district combined separate school zones and designating the names of the areas;
- (b) altering the boundaries of any such area;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 103 to 115. R.S.O. 1970, c. 430, s. 81 (1, 2).

Establish-
ment of
boards

(3) A separate school board shall be established for each county and district combined separate school zone, and the trustees of the board shall be elected and the board organized in accordance with sections 110 to 112. R.S.O. 1970, c. 430, s. 84.

Separate
school zones
established
after
January 1, 1969

(4) Where the centre of a separate school zone established on or after the 1st day of January, 1969, is within an area designated by the regulations made under subsection 2, the separate school zone shall forthwith become a part of the county or district combined separate school zone in that area. R.S.O. 1970, c. 430, s. 81 (3); 1972, c. 76, s. 27, *amended*.

Meeting to
establish
separate
school zone in
designated
area

104.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a six-mile square area in an area designated by the regulations made under subsection 2 of section 103, may convene a public meeting of persons desiring to establish a separate school zone with its centre therein.

Procedure

- (2) Where such a meeting is held, the persons present shall,
 - (a) elect a chairman and a secretary for the meeting;
 - (b) pass a motion determining the centre of the separate school zone to be established; and
 - (c) require the chairman of the meeting to send a copy of the motion to,
 - (i) the Minister,
 - (ii) the secretary of the county or district combined separate school board,
 - (iii) the secretary of the divisional board of education affected, and
 - (iv) the appropriate assessment commissioner,

and on and after the transmission to the Minister of a copy of the notice calling the meeting, a copy of the motion, and evidence that the persons required to be notified under clause *c* have been so notified, the separate school zone is established and becomes a part of the county or district combined separate school zone.

(3) No trustees shall be elected at the meeting. 1972, c. 76, ^{Trustees not elected at meeting} s. 28, *part, amended*.

105. Where a county or district combined separate school board acquires a site under subsection 3 of section 168 and operates a school on such site, a separate school zone having its centre as provided in subsection 2 of section 80 is deemed to have been established under subsection 2 of section 104 on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for the purposes of legislative grant. 1972, c. 76, s. 28, *part, amended*. ^{Zone deemed formed}

106.—(1) Where, on and after the 1st day of January, 1971, the boundaries of an area designated by the regulations under subsection 2 of section 103 are altered to include, ^{Arbitration where boundaries of designated areas are altered}

(a) one or more separate school zones established under section 83; or

(b) part or all of one or more separate school zones that form part or all of another county or district combined separate school zone,

each of the boards concerned shall appoint one arbitrator who, subject to subsection 2, shall forthwith value and adjust in an equitable manner the assets and liabilities of the boards affected by the alteration of the boundaries and the decision of the arbitrators is final and binding upon the boards concerned.

(2) Where the number of arbitrators appointed under subsection 1 is an even number, the arbitrators so appointed shall appoint an additional arbitrator. *New.* ^{Appointment of additional arbitrator}

(3) Where a majority of the arbitrators appointed under subsections 1 and 2 is unable to reach a decision on any matter, such matter shall be referred by the arbitrators to the judge whose decision is final. R.S.O. 1970, c. 430, s. 86 (5), *amended*. ^{Referral to judge}

107.—(1) Where the boundaries of an area designated by the regulations under subsection 2 of section 103 are altered, all lands and premises that, ^{Alteration of boundaries: disposition of assets and liabilities}

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration ;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration ; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute and its decision is final.

Employment contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 103 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 103 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 110 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 110 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 103 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 110. Composition
of board
reduced

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 103 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in, Trustee to
represent
transferred
area

- (a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or
- (b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Determina-
tion of trustee
representa-
tion by
enlarged
board

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Application
of subss. 4, 6, 7

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached.

Area added to
Scarborough
to be under
Metropolitan
Separate
School
Board
1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by The Metropolitan Separate School Board. 1973, c. 117, s. 2.

Name of board
in one county

108.—(1) A county combined separate school board that has jurisdiction in an area that includes only one county is a corporation by the name of "The..... County Roman Catholic Separate School Board" (*inserting the name of the county*). R.S.O. 1970, c. 430, s. 85 (1).

Name of
county com-
bined board

(2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city is a corporation by the name of "The.....County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*). 1972, c. 76, s. 29.

Name of
board in
territorial
districts

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The.....Roman Catholic Separate School Board" (*inserting the name of the area designated by the regulations*).

Name of
board in
regional
municipality

(4) Notwithstanding subsections 2 and 3 and except as provided in sections 114 and 115, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The..... Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 430, s. 85 (3, 4).

109.—(1) For district combined separate school purposes, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under subsection 2 of section 103, and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under subsection 2 of section 103, shall be deemed to be a district municipality. R.S.O. 1970, c. 430, s. 80 (3). Territory without municipal organization in zones deemed district municipalities

(2) The board of a district combined separate school zone that includes territory without municipal organization that is deemed a district municipality for separate school purposes shall exercise the powers and duties of a municipal council for such district municipality in respect of preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the district combined separate school board and in respect of the preparation of a list of voters and the election of members of such board, and all the officers appointed by such board have the same powers and duties as similar officers in an organized municipality except that the provisions of subsections 5 to 11 of section 65 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the district combined separate school board on all property rateable for separate school purposes in such district municipality. R.S.O. 1970, c. 430, s. 80 (6), *amended*. Powers and duties of combined board re territory without municipal organization

(3) In respect of territory without municipal organization referred to in subsection 2 that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 2a to 2f of section 516 of *The Municipal Act* for the purposes of the district combined separate school board. 1972, c. 137, s. 4 (2). Duties of secretary of board re school support
R.S.O. 1970, c. 264

(4) The secretary-treasurer of an improvement district that forms part of a district combined separate school zone, in each year in which an election for members of the district combined separate school board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality, and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a district combined separate school board under *The Municipal Elections Act*, 1972. R.S.O. 1970, c. 430, s. 80 (7); 1972, c. 76, s. 26 (3), *amended*. Election in improvement district
1972, c. 95

Interpre-
tation

110.—(1) In this section,

- (a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *b*, as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;
- (b) “residential and farm assessment” means the residential and farm assessment upon which taxes are levied in the year in which a determination is made or the year in which nominations are held, as the case may be. R.S.O. 1970, c. 430, s. 90 (1); 1972, c. 76, s. 30 (1).

Composition
of board

(2) Subject to subsection 4 and except where otherwise expressly provided, the number of trustees of a combined separate school board shall be determined by the population of the county or counties or of the area municipalities in a regional municipality in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,

- (a) less than 25,000, eight trustees;
- (b) 25,000 or more but less than 45,000, ten trustees;
- (c) 45,000 or more but less than 100,000, twelve trustees;
- (d) 100,000 or more but less than 200,000, fourteen trustees;
- (e) 200,000 or more, sixteen trustees.

Change in
numbers of
trustees

(3) Where it becomes evident from the population of the county or counties in a county combined separate school zone or of the municipalities all or part of which are in a district combined separate school zone that the number of trustees of the board should be increased or decreased in accordance with subsection 2, at the next regular election of trustees the proper number of trustees shall be elected.

Number of
trustees to be
elected in a
combined
zone
comprising
one or more
cities and
county or
district
municipi-
palities

(4) Where a combined separate school zone includes county or district municipalities or parts thereof and one or more cities, the number of trustees to be elected by the separate school supporters,

- (a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of trustees determined under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the city to the equalized residential and farm assessment of all the property rateable for separate school purposes in the county or district combined separate school zone; and
- (b) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

(5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

Determina-
tion under
subs. 4
who to make

(6) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

When
determina-
tion to be
made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered, effective the 1st day of January next following the election;
- (b) if,
 - (i) the boundaries of one or more cities within the county or district combined separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest

determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 15, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

Where a city does not qualify for at least one trustee

- (7) Where a city is not entitled to one or more trustees under clause *a* of subsection 4, the city shall be deemed to be a county or district municipality for the purposes of subsection 4 or 8, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 8.

Distribution of trustees to be elected in county or district municipalities in combined zone

- (8) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

- (a) a determination is made in accordance with subsection 6; or

- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected

in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school electors of the county or district municipalities, and such determination is effective until a new determination is required under this subsection. R.S.O. 1970, c. 430, s. 90 (2-8).

(9) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

Distribution
of members
within
combined
municipalities

- (a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and
- (b) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 apply *mutatis mutandis* in respect of such remainder.

(10) Where the determination made under subsection 9 apportions to a combined area or to the remainder of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be,

9 Appeal from
determination
under
subs. 9

may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 9 or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final. 1972, c. 76, s. 30 (2).

Where judge
to make
determina-
tion

(11) Where the determination under subsection 8 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 13, and his decision is final. R.S.O. 1970, c. 430, s. 90 (9).

Municipal
clerk from
each county
to be on
committee
under
subs. 8

(12) Where the separate school zones in two or more counties are combined to form a county combined separate school zone, and where the three clerks designated under subsection 8 do not include a clerk from each county in the county combined separate school zone, the clerk of the county municipality having the greatest equalized residential and farm assessment for separate school purposes in each such county not so represented shall act together with the clerks designated under subsection 8. R.S.O. 1970, c. 430, s. 90 (10); 1972, c. 76, s. 30 (3).

Determina-
tion

(13) In determining under subsection 8,

(a) the number of trustees to be elected by the separate school electors of a county or district municipality;
or

(b) the county or district municipalities that are to be combined for the election of one or more trustees by the separate school electors of such municipalities,

the clerks of the county or district municipalities, as the case may be, shall apportion the number of trustees determined for a combined separate school zone under clause *b* of subsection 4, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone in the county or district municipalities in such zone, and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

(14) Where the determination made by the clerks of the county or district municipalities under subsection 8 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school electors of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the judge who, before the 1st day of October, shall either reapportion the number of trustees in accordance with subsection 13 or, where he determines that the determination was made in accordance with subsection 13, confirm the determination, and his decision is final.

(15) On the request of the clerk of the county municipality or the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a combined separate school zone, the clerk of each city and of each county or district municipality and the secretary of the county or district combined separate school board shall provide the clerk of such county municipality or organized district municipality with the information required to make any determination under this section.

(16) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone shall send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board,

- (a) before the 1st day of September in each year in which it is determined under subsection 3 that the number of trustees of the board should be increased or decreased or in which a determination is made under subsection 8, a copy of the determination made under subsection 8; and
- (b) before the 1st day of October in each year in which a determination is made by the judge under subsection 11 or 14 a copy of the determination.

Appeal and
decisions of
judge

(17) The council of any municipality concerned and a district combined separate school board on behalf of any territory without municipal organization may, within ten days of the mailing of the determination made under subsection 4, appeal to the judge with respect to the accuracy of the determination, and the judge shall either vary or confirm the determination, and his decision is final, and the clerk of the county or district municipality responsible under subsection 5 for making such determination shall make the changes required by the judge and shall send a copy of the decision by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board.

New
determina-
tion where
former
determina-
tion improper

(18) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 14 or 17, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Where
election by
general vote
and where
by areas

(19) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school electors of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school electors in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school electors in each of such areas. R.S.O. 1970, c. 430, s. 90 (11-17).

Time for
passing
by-law

(20) A by-law for the purpose mentioned in subsection 19 and a by-law repealing any such by-law shall not be passed later than the 1st day of October in the year of the election

and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. R.S.O. 1970, c. 425, s. 38 (20); R.S.O. 1970, c. 430, s. 90 (18).

(21) Where two or more county or district municipalities are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 9, be elected by a general vote of the separate school electors of the combined municipalities, and where, under subsection 9 or 10 a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school electors of such combined area, and,

Elections in
combined
areas

- (a) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote. 1972, c. 76, s. 30 (4).

(22) For the purposes of clause *b* of subsection 21, the secretary of the district combined separate school board shall be the clerk of each part of territory without municipal organization in the district combined separate school zone that is deemed to be a district municipality for separate school purposes. R.S.O. 1970, c. 430, s. 90 (20).

Secretary of
board deemed
clerk for
elections in
areas deemed
district
municipalities

(23) The election of trustees of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1972, c. 76, s. 30 (5).

Elections

111. Where the boundaries of an area designated by the regulations under subsection 2 of section 103 in respect of a county or district combined separate school board are to be altered effective on the 1st day of January next following

Effect of
boundary
change on
election

the election of trustees of the board, the boundaries of such area shall be deemed to have been altered for all purposes relating to such election. 1972, c. 137, s. 5.

Number of
votes for
candidates

112.—(1) Every person in a municipality or in a part thereof or in a combination of municipalities who is qualified to vote for trustees of a separate school board under sections 103 to 115 is entitled to as many votes as there are trustees to be elected in such municipality or part or combination of municipalities, but may not give more than one vote to any one candidate.

Retiring
trustees
eligible for
re-election

(2) A trustee of a county or district combined separate school board is eligible for re-election if otherwise qualified.

Qualifica-
tions for
proposers and
seconders of
candidates

(3) Every proposer and seconder of a candidate nominated for the office of a trustee to be elected to a separate school board under sections 103 to 115 shall be a separate school supporter.

Person not to
be candidate
for more than
one seat on
board

(4) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a trustee of the board by reason of the election, and his seat or seats are thereby vacated. R.S.O. 1970, c. 430, s. 91 (1-4).

Election to
fill vacancy

1972, c. 95

(5) A separate school board under sections 103 to 115 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy apply. 1972, c. 76, s. 31.

Ottawa
separate
school zone

113.—(1) On and after the 1st day of January, 1970, the cities of Vanier and Ottawa and the Village of Rockcliffe Park are united to form a county combined separate school zone under sections 103 to 115.

Ottawa
Board

(2) A separate school board shall be established for such combined separate school zone which shall be a corporation by the name of "The Ottawa Roman Catholic Separate School Board" and shall consist of sixteen trustees.

Number of
trustees to be
elected in
Ottawa and
Rockcliffe
Park

(3) The number of trustees to be elected by the separate school electors in the area comprising the City of Ottawa and the Village of Rockcliffe Park shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying sixteen by the ratio of the equalized residential and farm

assessment of the property rateable for separate school purposes in the City of Ottawa and the Village of Rockcliffe Park to the equalized residential and farm assessment of all the property rateable for separate school purposes in the combined separate school zone, and such trustees shall be elected by general vote.

(4) The number of trustees to be elected by the separate ^{Vanier} school electors in the City of Vanier shall be sixteen, less the number determined under subsection 3, and such trustees shall be elected by general vote, but in no case shall the number of trustees elected under this subsection be fewer than one.

(5) Commencing in the year 1969, the trustees of The Ottawa ^{Election of trustees, term of office} Roman Catholic Separate School Board shall be elected at the same time and place and for the same term of office as the members of The Ottawa Board of Education, and the nomination of candidates for the offices of trustees to be elected by the separate school electors in the City of Ottawa and the Village of Rockcliffe Park shall be submitted to the returning officer of the City of Ottawa, and the clerk of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote.

(6) Except where inconsistent with this section, the other ^{Application of ss. 103-115} provisions of sections 103 to 115 in respect of county combined separate school boards apply *mutatis mutandis* to the board established under subsection 2. R.S.O. 1970, c. 430, s. 82, *amended*.

114.—(1) On and after the 1st day of January, 1969, the ^{Carleton combined separate school zone} separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area municipality as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the ^{R.S.O. 1970, c. 407} cities of Vanier and Ottawa and the Village of Rockcliffe Park, are united to form a county combined separate school zone.

(2) A separate school board shall be established for such ^{Carleton Board} county combined separate school zone which shall be a corporation by the name of "The Carleton Roman Catholic Separate School Board".

(3) The trustees of The Carleton Roman Catholic Separate ^{Election of trustees, term of office} School Board shall be elected at the same time and for the same term of office as the members of The Carleton Board of Education.

Application
of Act to
Carleton
Board

(4) Except as provided in this section, all the provisions of this Act respecting county combined separate school boards apply to The Carleton Roman Catholic Separate School Board. R.S.O. 1970, c. 430, s. 83.

Part of
Ottawa-
Carleton
deemed
county

R.S.O. 1970,
c. 407

(5) For county combined separate school purposes, the area municipalities as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the cities of Ottawa and Vanier and the Village of Rockcliffe Park, shall be deemed to be a county. R.S.O. 1970, c. 430, s. 80 (2).

Essex county

115.—(1) For county combined separate school purposes, the County of Essex does not include the City of Windsor. R.S.O. 1970, c. 430, s. 80 (4); 1972, c. 76, s. 26 (2).

Application
of ss. 203, 204

(2) Sections 203 and 204 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor. R.S.O. 1970, c. 430, s. 80 (5).

Rates, Borrowing Powers and Grants

Exemption of
supporters
from public
school rates

116.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

No renewal
required

(2) The notice is not required to be renewed annually.

Who may be
supporters of
separate
schools

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone. R.S.O. 1970, c. 430, s. 53 (1-3), *amended*.

Rights of
non-residents
to be
assessed for
separate
school

(4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in the separate school zone shall be assessed for the purposes of the separate school. 1972, c. 76, s. 16.

(5) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof. Certificate of notice

(6) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and on summary conviction is liable to a fine of \$40. Penalty for wilful false statements in notice

(7) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the separate school zone. R.S.O. 1970, c. 430, s. 53 (5-7), *amended*. As to rates imposed before separate school established

117.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board,

otherwise he shall be deemed to be a supporter of the separate school.

(2) A person who withdraws his support from a Roman Catholic separate school is not exempt from paying rates for separate school purposes imposed before the date on which the withdrawal of such support is effective. R.S.O. 1970, c. 430, s. 59. Exception

118.—(1) Where a person resides in a separate school zone and is a separate school supporter in such zone but his residence is situate in a municipality other than a municipality in which a centre of such zone is located, he is liable to pay and shall pay the separate school rates or taxes imposed by the board of the separate school of which he is a Liability of non-resident supporter

supporter upon property that is situate in such zone and that he occupies as owner or tenant or that is unoccupied and owned by him, and he is not liable to pay rates or taxes to any other separate school board in respect of such property.

How
enforceable

(2) The board of the school of which he is a supporter shall notify the clerk of the municipality in which such supporter resides of the amount of the school taxes or rates payable by him, and the same shall be collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1970, c. 430, s. 58, *amended*.

Clerk to keep
index book

119.—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 116, 122 and 123 or by former Acts respecting separate schools.

Entries

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 117, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the Assessment Review Court, by a judge, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.

Inspection

(3) The index book shall be open to inspection by any ratepayer.

Filings

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received. R.S.O. 1970, c. 430, s. 60 (1-4).

Clerk to be
guided by
index book

(5) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. R.S.O. 1970, c. 430, s. 60 (5); 1972, c. 76, s. 17, *amended*.

Correction of
mistakes in
assessing
R.S.O. 1970,
c. 32

120.—(1) If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 23 of *The Assessment Act* that through mistake or inadvertance a ratepayer has been entered on the list either as a supporter of separate schools or as a supporter of public schools, the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board, but the council is not competent to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Court of Appeal on appeal. R.S.O. 1970, c. 430, s. 61 (1); 1972, c. 76, s. 18.

(2) In case of such action by a council, the ratepayer is ^{Liability} liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1970, c. 430, s. 61 (2).

121.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under ^{Distinguish-} the heading of "School Rate" the public school rate may be ^{ing the school} distinguished from the separate school rate, and that under ^{rates} "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

(2) The proceeds of any such rate shall be kept distinguished ^{Idem} by the collector and accounted for accordingly. R.S.O. 1970, c. 430, s. 62.

122.—(1) The occupant or tenant of land shall be deemed ^{Case of owner} to be the person primarily liable for the payment of school ^{and occupant} rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1970, c. 430, s. 63. ^{When owner may exercise option}

123.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of the separate school. R.S.O. 1970, c. 430, s. 64 (1). ^{Right of corporation to support separate schools}

(2) The clerk shall thereupon enter the corporation as a ^{Duty of clerk} separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the

remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. R.S.O. 1970, c. 430, s. 64 (2); 1972, c. 76, s. 20 (1).

How
proportions
settled

(3) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of
notice

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. R.S.O. 1970, c. 430, s. 64 (3, 4).

Filing notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect a collector's roll. R.S.O. 1970, c. 430, s. 64 (5); 1972, c. 76, s. 26 (20).

Search for
notices
R.S.O. 1970,
c. 32

(6) The clerk shall in each year, before the final revision of the list supplied to the clerk under section 23 of *The Assessment Act*, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1970, c. 430, s. 64 (6); 1972, c. 76, s. 20 (3).

Estimates

124.—(1) Every separate school board shall prepare and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 205 in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a divisional board of a school division apply, *mutatis mutandis*, to a separate school board for separate school purposes.

Where cost
of separate
levy payable
by board

(2) Where rates or taxes in respect of separate schools are levied and collected by the council of a municipality under section 130 and the separate school board is unable in any year to submit to the council on or before the 1st day of March the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 130 to levy and collect such rates, and, where the municipality is required, by reason

of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality shall pay to the treasurer the cost of levying such rates.

(3) Subsection 5 of section 307 of *The Municipal Act* does not apply to a separate school board. 1972, c. 137, s. 3. Application of R.S.O. 1970, c. 284, s. 307(5)

125.—(1) The board of a separate school may in respect of the estimates adopted under section 124 impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities. R.S.O. 1970, c. 430, s. 66 (1); 1972, c. 76, s. 22. Powers of trustees

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon. Land on which there are rates uncollected

(3) The clerk shall make a return of such land and the arrears of separate school rates thereon to the appropriate municipal treasurer. Return

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes. Collection of rates

(5) The council of the township, village, town or city in which the separate school zone is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1970, c. 430, s. 66. Deficiency

126. Where some of the supporters in a separate school zone reside in a municipality or in territory without municipal organization and in a secondary school district and other supporters in the separate school zone reside in another municipality or in territory without municipal organization and not in a secondary school district, and the separate school board, Levy for costs for transportation and board and lodging of secondary school pupils not resident in secondary school district

(a) provides daily transportation; or

- (b) reimburses the parents or guardians for the cost of board, lodging and transportation once a week under subsection 10 of section 163,

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the secondary school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the secondary school district. R.S.O. 1970, c. 430, s. 67.

Determining
school rates
by equalizing
factor

127.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of
rate

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,
appointment

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

(4) The secretary of the board shall call the meeting of the arbitrators.

Determina-
tion of factors

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When factors
to be
determined

(6) The factors shall be determined,

- (a) in the year in which the separate school is formed;

- (b) in any year that is divisible evenly by 5;
- (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
- (d) in any year if the board so directs.

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final. Appeal to board

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors. Use of factors

(9) The cost of the arbitration shall be paid by the separate school board. R.S.O. 1970, c. 430, s. 68. Cost of arbitration

128. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1970, c. 430, s. 69. Trustees may copy assessment roll of municipality

129. The clerk of a municipality in which there is a separate school board shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons who are separate school supporters with the amount for which each person has been rated upon the assessment roll. R.S.O. 1970, c. 430, s. 70. Clerk to give trustees annual statement of supporters of separate schools

130.—(1) The council of a municipality, if so requested on or before the 1st day of February in any year by a separate school board having jurisdiction in the municipality, shall levy and collect upon the property rateable for separate school purposes in the municipality and within the jurisdiction of the board, the rates or taxes imposed thereon by the board, and such request shall be deemed to continue from year to year unless terminated by the board giving notice to the council on or before the 1st day of February in any year. R.S.O. 1970, c. 430, s. 71 (1); 1971, c. 70, s. 3. Request for collection of separate school rates by the municipality

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected Expenses of collection

for separate school purposes shall be paid by the corporation to the treasurer of the board and the provisions of section 208 shall apply *mutatis mutandis* to such rates and taxes. R.S.O. 1970, c. 430, s. 71 (2), *amended*.

Borrowing
powers of
separate
school
trustees

131.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes. R.S.O. 1970, c. 430, s. 73 (1), *amended*.

Terms of
payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Debentures

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Maturity

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. R.S.O. 1970, c. 430, s. 73 (2-4).

R.S.O. 1970,
c. 284

Sinking fund

(5) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable.

Investment
of fund

(6) The sum referred to in subsection 5 shall be deposited with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in

R.S.O. 1970,
cc. 254, 284

The Municipal Act for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education. 1972, c. 76, s. 25.

(7) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating, ^{Publication of notice of by-law}

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

(8) The debentures issued under the by-law may be for ^{Amounts} such amounts as the board considers expedient. R.S.O. 1970, c. 430, s. 73 (6, 7).

132.—(1) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils enrolled at the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils enrolled at school in the same city, town, village or township. ^{Right of separate schools to a share of municipal grants}

(2) Where the grant is made by a council of a county or a regional municipality it shall be apportioned in like manner as the legislative grant. ^{Apportionment}

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1970, c. 430, s. 74, *amended*. ^{No share of local assessment for public schools}

Visitors

Separate
school
visitors

133. A parent or guardian of a child attending a separate school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman of the Roman Catholic Church may visit a separate school in his constituency or in the area where he has pastoral charge, as the case may be. R.S.O. 1970, c. 430, s. 75, *amended*.

FORM 1

FORM OF INDEX BOOK

[Section 119 (1)]

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19..	Notice of withdrawal received 1st January, 19...
Ardagh, Joseph....	3rd February, 19..	
Ashbridge, Robert..	3rd February, 19..	Disallowed by Assessment Review Court, ² 1st June, 19...

R.S.O. 1970, c. 430, Form 1.

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

[Section 123 (1)]

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*), pursuant to a resolution in that behalf of the directors, requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, (*here insert fraction of assessment so designated*) of the land and business or other assessments.

Given on behalf of the company (*here insert date*).

Secretary of the Company.

R.S.O. 1970, c. 430, Form 2, *amended*.

PART V

PROTESTANT SEPARATE SCHOOLS

134.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants. Application to establish Protestant separate school

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants. Permission to establish

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. R.S.O. 1970, c. 430, s. 1. Restrictions on establishment

(4) A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. R.S.O. 1970, c. 430, s. 4. Effective date

135.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property. Notice to be supporter, exemption from public school rates

(2) The notice is not required to be renewed annually. No renewal required

(3) Every clerk of a municipality, upon receiving the notice shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof. Certificate of notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates and in addition is guilty of an offence and liable to a fine of \$40. Penalty for wilful false statements in notice

As to rates imposed before Protestant separate school established

(5) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the Protestant separate school. R.S.O. 1970, c. 430, s. 5, *amended*.

Withdrawal of support

136. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a Protestant separate school supporter. R.S.O. 1970, c. 430, s. 6.

Index book

137.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the name of each Protestant who has declared himself to be a supporter of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of each Roman Catholic who has declared himself to be a supporter of a Roman Catholic separate school.

Inspection

(2) The index book shall be open to inspection by any ratepayer.

Filing of notices

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 135 and 136. R.S.O. 1970, c. 430, s. 7 (1-3).

Clerk to be guided by index book

(4) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. R.S.O. 1970, c. 430, s. 7 (4); 1972, c. 76, s. 1, *amended*.

Not to share in public school assessment

138.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

Share of legislative grants

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. R.S.O. 1970, c. 430, s. 8.

Reports

139.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the Ministry in such form and at such times as may be required by the Minister.

Use of assessor's roll by board

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. R.S.O. 1970, c. 430, s. 9, *amended*.

140. Every person who is assessed as a Protestant separate school supporter and whose name appears on the list of voters of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees for the Protestant separate school board and on any school question having to do with the Protestant separate school or board. R.S.O. 1970, c. 430, s. 10, *amended*. Qualification of a voter

141.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part IV with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate school boards. R.S.O. 1970, c. 430, s. 11. Election of trustees

142. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the" (*inserting the name of the city, town, village or township*). R.S.O. 1970, c. 430, s. 12. Corporate name of board

143. A Protestant separate school board has the same powers as a district school area board. R.S.O. 1970, c. 430, s. 13, *amended*. Powers of board

144. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board is discontinued and may be re-established in the manner provided in section 134. R.S.O. 1970, c. 430, s. 14. Discontinuing board

145. Subsections 3 and 4 of section 97, subsection 2 of section 98, sections 120, 121 and 122 and clause *d* of subsection 1 of section 171 apply in respect of Protestant separate schools and Protestant separate school boards. R.S.O. 1970, c. 430, s. 15. Application of other sections

PART VI

BOARDS

*Powers and Duties*Duties of
boards:**146.**—(1) Every board shall,conduct
schools

1. ensure that every school under its charge is conducted in accordance with this Act and the regulations;

appoint
secretary-
treasurer

2. appoint a secretary and a treasurer or a secretary-treasurer who, in the case of a district school area board or a board of three elected members, may be a member of the board;

meetings

3. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;

reports

4. transmit to the Minister all reports and returns required by this Act and the regulations;

provide
accommoda-
tion

5. provide adequate accommodation during each school year for the pupils who have a right to attend a school under the jurisdiction of the board;

insurance

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board;

security of
treasurer

7. take proper security from the treasurer or secretary-treasurer;

repair
property

8. keep the school buildings and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board;

appoint
principal
and teachers

9. appoint for each school that it operates a principal and an adequate number of teachers, all of whom shall be qualified according to this Act and the regulations;

head office

10. establish and maintain a head office and notify the Ministry of its location and address and notify the

Ministry of any change in the location or address of the head office within ten days of such change;

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the textbooks that are required by the regulations to be purchased by the board; ^{provide textbooks}
12. ascertain and report to the Ministry at least once in each year the names and ages of all children of compulsory school age who are blind or who are deaf, who are not in attendance at any school and who would otherwise be required to attend a school under its charge; ^{blind and deaf}
13. keep open its schools during the whole period of the school year determined under the regulations, except where it is otherwise provided under this Act; ^{school open}
14. give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the regulations and by the board. R.S.O. 1970, c. 385, s. 51 (1) (a, c), (3) (c); R.S.O. 1970, c. 424, ss. 33, 34, par. 2; R.S.O. 1970, c. 425, s. 6 (1); R.S.O. 1970, c. 430, s. 50 (3) (d); 1972, c. 77, s. 17; 1973, c. 37, s. 6 (2), *amended*. ^{order payment of bills}

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian. ^{Religious exercises}

(3) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1970, c. 385, s. 7. ^{Religious instruction}

147.—(1) A board may,

^{Powers of boards:}

1. appoint such committees as it considers expedient; R.S.O. 1970, c. 424, s. 34, par. 1. ^{committees}
2. subject to Part X, appoint and remove such officers and servants and, subject to Part IX, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, prescribe their duties and fix their salaries, except that in the case of a secretary of a board who is a member of the ^{appoint employees}

board, the board may pay only such compensation for his services as is approved by the electors at a meeting of the electors; R.S.O. 1970, c. 385, s. 35 (2); 1972, c. 77, s. 18 (1), *amended*.

voluntary
assistants

3. permit a principal to assign to a person who volunteers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment; 1972, c. 77, s. 18 (2).

supervisors

4. appoint supervisors of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations; R.S.O. 1970 c. 424, s. 34, par. 20.

psychiatrist
or
psychologist

5. appoint one or more,
 - i. psychiatrists who are on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario,
 - ii. psychologists who are legally qualified medical practitioners or hold a certificate of registration under *The Psychologists Registration Act*; R.S.O. 1970, c. 424, s. 34, par. 3, *amended*.

R.S.O. 1970,
c. 372

attendance
areas

6. determine the number, kind and organization of schools to be established and maintained, and the attendance area for each such school; R.S.O. 1970, c. 424, s. 34, par. 5.

courses of
study

7. provide instruction in the courses of study that are defined, recommended, permitted or approved by the Minister;

computer
programming

8. enter into an agreement, with the approval of the Minister, in respect of the use of a computer or a system of computer programming; *New*.

playgrounds,
parks, rinks

9. operate the school ground as a park or playground and rink during the school year or in vacation or both, and provide and maintain such equipment as it considers advisable, and provide such supervision as it considers proper, provided the proper conduct of the school is not interfered with; R.S.O. 1970, c. 424, s. 34, par. 8; 1973, c. 92, s. 10 (1).

10. organize and carry on gymnasium classes in school buildings for pupils or others during the school year or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1970, c. 424, s. 34, par. 9; 1973, c. 92, s. 10 (2).
11. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; R.S.O. 1970, c. 424, s. 34, par. 10.
12. provide school supplies, other than the textbooks that it is required to provide under paragraph 11 of subsection 1 of section 146, for the use of pupils; ^{provision of supplies, etc.}
13. establish and maintain school libraries and media centres; R.S.O. 1970, c. 424, s. 34, pars. 11, 12, *amended*. ^{libraries}
14. establish kindergartens and junior kindergartens; R.S.O. 1970, c. 385, s. 51 (2) (c) (i), *amended*. ^{kindergartens, junior kindergartens}
15. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques; 1972, c. 77, s. 18 (8). ^{signatures mechanically reproduced}
16. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of an educational association and may make grants and pay membership fees to any such organization; ^{membership fees and travelling expenses}
17. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him, ^{legal costs}
 - i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or
 - ii. for assault in respect of disciplinary action taken in the course of duty;

invest funds

R.S.O. 1970,
c. 470

18. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*; R.S.O. 1970, c. 424, s. 34, pars. 15-17.

idem

R.S.O. 1970,
c. 254

19. invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality or board by way of promissory note of the municipality or board, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested; 1971, c. 90, s. 5 (1); 1973, c. 92, s. 10 (3).

borrowing
from funds

20. notwithstanding any other Act, borrow, for any purpose for which the board has authority to spend money, any moneys in any fund established by the board that are not immediately required by the board for the purposes of such fund, but such borrowing shall not extend beyond the term of office of the members of the board and, where secondary school moneys are borrowed for public school purposes or public school moneys are borrowed for secondary school purposes, the board shall pay interest to the fund from which such moneys are borrowed at a rate not less than that being earned by the fund at the date of borrowing; 1973, c. 92, s. 10 (4).

student fees

21. subject to the provisions of this Act, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice; R.S.O. 1970, c. 424, s. 34, par. 21; 1971, c. 90, s. 5 (2).

permit use
of school and
school buses

22. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purpose; R.S.O. 1970, c. 424, s. 34, par. 23, *amended*.

23. provide for surgical treatment of children attending the school who suffer from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical officer are employed, of the nurse and medical officer, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; R.S.O. 1970, c. 385, s. 51 (2) (g). surgical treatment
24. establish and maintain cadet corps; R.S.O. 1970, c. 424, s. 34, par. 25, *amended*. cadet corps
25. provide for the promotion and encouragement of athletics and for the holding of school games; athletics
26. provide, during the school year or at other times, activities and programs on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein; activities
27. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement; R.S.O. 1970, c. 424, s. 34, pars. 26-28. guidance
28. conduct free lectures open to the public and include in the estimates for the current year the expenses thereof; R.S.O. 1970, c. 424, s. 34, par. 29, *amended*. public lectures
29. establish summer schools for pupils; summer schools
30. establish and conduct during the school year courses for teachers; courses for teachers
31. establish evening classes; R.S.O. 1970, c. 424, s. 34, pars. 30-32. evening classes
32. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises; R.S.O. 1970, c. 424, s. 33, par. 9. erect fences
33. contribute toward the support of school fairs; R.S.O. 1970, c. 385, s. 51, (2), (e). school fairs

student
activities

34. authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils; R.S.O. 1970, c. 424, s. 34, par. 33.

cafeteria

35. operate a cafeteria for the use of the staff and students; R.S.O. 1970, c. 424, s. 34, par. 35.

records
management

36. institute a program of records management that will, subject to the regulations in respect of pupil records,
- i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and
 - ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use; 1972, c. 77, s. 18 (5).

education
of children
in charitable
organizations

37. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use; R.S.O. 1970, c. 424, s. 34, par. 38.

programs in
detention
homes

R.S.O. 1970,
c. 369

38. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in *The Provincial Courts Act*, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith; 1972, c. 77, s. 18 (6).

maternity
leave

39. provide for maternity leave for a teacher, not exceeding two years for each pregnancy; R.S.O. 1970, c. 424, s. 34, par. 40, *amended*.

40. establish, subject to the regulations, special education programs to provide special education services for children who require such services; R.S.O. 1970, c. 424, s. 34, par. 42. special education
41. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved; 1971, c. 90, s. 5 (4). assumption of treatment centres, etc.
42. where a recreation committee or a joint recreation committee has been appointed for territory without municipal organization within the jurisdiction of the board, exercise the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates and collecting taxes for such purposes on the rateable property supporting the board in such territory, and where such a joint recreation committee has been appointed, apportion the costs of such committee by agreement with the other board concerned; R.S.O. 1970, c. 424, s. 34, par. 45. recreation committees
43. exempt, in its discretion, from the payment of school rates, taxes or fees wholly or in part, any indigent person, and give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February; R.S.O. 1970, c. 385, s. 51 (2) (f); R.S.O. 1970, c. 430, s. 50 (1) (h). exemptions and notice thereof

(2) In addition to any other remedy possessed by a board in territory without municipal organization for the recovery of rates imposed under the authority of this Act, the board, with the approval of the Minister, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1970, c. 424, s. 35, *amended*. Collection of rates in territory without municipal organization by action

148.—(1) Any person may, with the approval of the board concerned, establish scholarships, bursaries or prizes. Establishment of scholarships, etc.

(2) A board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. R.S.O. 1970, c. 425, s. 68. Idem

Vocational Courses

Vocational
courses

149.—(1) A secondary school board may provide vocational courses of study in one or more of its schools.

Courses of
study

(2) Vocational courses of study may comprise,

- (a) full-time day courses of study ;
- (b) part-time day courses of study ; and
- (c) evening courses of study.

Admission
procedures

(3) A secondary school board may provide for the admission of a pupil to a vocational course and may determine the procedures for admission to such course. R.S.O. 1970, c. 425, s. 11 (1, 2).

Admission
of adult

(4) Where a principal of a school is satisfied that an adult is competent to receive instruction in a vocational course, the adult may, without regard to his school standing, be admitted to,

- (a) a special full-time day course of study ;
- (b) a part-time day course of study ; or
- (c) an evening course of study,

in the school. R.S.O. 1970, c. 425, s. 12 (4).

Advisory
committee

150.—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....(*inserting the name of the vocational course*) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course.

Allowance

(2) A secondary school board may pay to each person appointed under subsection 1 who is not a member of the board such allowance as the board may determine for each month for which he is appointed, but such allowance shall not exceed one-half of the amount determined under subsection 1 of section 164 based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board. 1972, c. 75, s. 4, *amended*.

Benefits

151. A board may,

Accident,
etc.,

1. provide, by contract with an insurer licensed under *The Insurance Act*,

insurance
R.S.O. 1970,
c. 224

- i. group accident insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate against loss in case he is accidentally injured or killed, and
- ii. group public liability and property damage insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the board or in the performance of his duties as a member of the board or of an advisory committee either within or outside the area over which the board has jurisdiction;
R.S.O. 1970, c. 424, s. 34, par. 36.

2. where, in co-operation with business and industry, it provides for pupils training programs designed to supplement the courses given in its schools, provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a program and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a program; R.S.O. 1970, c. 424, s. 34, par. 39.
3. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians. R.S.O. 1970, c. 424, s. 34, par. 41.

accident and
public
liability
insurance
re work-
experience
programs

insurance
for pupils

152.—(1) Subject to *The Health Insurance Act, 1972*, a board by resolution may provide,

Insurance,
hospital and
health
services
1972, c. 91

- (a) by contract either with an insurer licensed under *The Insurance Act* or with an association registered

R.S.O. 1970,
c. 360

under *The Prepaid Hospital and Medical Services Act*,

- (i) group life insurance for its employees or any class thereof,
- (ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and
- (iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

(b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions
re insured
services
1972, c. 91

(2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*. 1972, c. 77, s. 24.

Participation
of retired
person in
contract

(3) A board may retain a person who retires from employment with the board before he attains the age of sixty-five years in a group established for the purposes of a contract referred to in clause *a* of subsection 1 until he attains such age if he pays the full premium required to be paid to retain his participation in the contract. 1973, c. 92, s. 13.

Pensions

R.S.O. 1970,
c. 324

153.—(1) A board, by resolution, may provide pensions for employees or any class thereof under *The Ontario Municipal Employees Retirement System Act*.

Idem

R.S.O. 1970,
c. 284

(2) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the said section 250 applies *mutatis mutandis*. 1972, c. 77, s. 23.

Interpreta-
tion

(3) In this section, “employee” does not include a teacher or supervisory officer or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers’ Superannuation Fund.

Employees of
newly
organized
board

(4) An employee of a divisional board who was a contributor or who was entitled to be a contributor under *The Ontario Municipal Employees Retirement System Act*, by reason of his employment with a former board on the 31st day of December, 1968, shall continue to be a contributor or to be entitled to be a contributor, as the case may

be, and the divisional board shall assume in respect of such employee all the rights and obligations of the former board, but in respect of other employees, the divisional board, before such employees may participate under such Act, shall pass a resolution electing to become a participant under such Act, as required by the regulations made thereunder, and stating the effective date.

(5) A divisional board that is required to make the contribution of a former board to an approved pension plan, as defined in section 250 of *The Municipal Act*, in respect of an employee who was a contributor to such approved pension plan on the 31st day of December, 1968, shall assume all the rights and obligations of such former board under the approved pension plan in respect of such employee. Assumption of board of rights and obligations of former board R.S.O. 1970, c. 284 R.S.O. 1970, c. 424, s. 43 (2-4).

(6) Nothing in this section affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. Saving R.S.O. 1950, cc. 165, 316, 356 R.S.O. 1970, c. 424, s. 99 (1).

154.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service. R.S.O. 1970, c. 455

(2) Where an employee, Widow or widower

(a) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

(b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

Interpre-
tation

(3) In subsection 1, "pension payments" means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee.

Limitation
on
application
of section

(4) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who were in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1970, c. 424, s. 45.

Idem

(5) Nothing in this section affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*. R.S.O. 1970, c. 424, s. 99 (3).

R.S.O. 1950,
cc. 165, 316

Sick leave
credits

155.—(1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Allowing of
credits on
transfer of
employment

(2) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection 5, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board. R.S.O. 1970, c. 424, s. 44 (1, 2).

Where
transferred
because of
change in
jurisdiction
of board

(3) Notwithstanding subsection 2, where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the system of sick leave credit gratuities of the first-mentioned board. 1973, c. 118, s. 1.

(4) Where an employee of a municipality or a local board, ^{Idem} as defined in *The Municipal Affairs Act*, except a school board, ^{R.S.O. 1970, c. 118} that has established a sick leave credit plan under any general or special Act, becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection 5, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board.

(5) The amount of sick leave credits placed to the credit ^{Limitation} of an employee under subsection 2 or 4 shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.

(6) Subsections 2 and 4 apply only where the transfer of ^{Application of subss. 2, 4, where intervening employment} employment from a school board to another school board or from a municipality or a local board to a school board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

(7) Notwithstanding subsection 6, ^{Exception} intervening employment with the Ministry of Education does not preclude the application of subsections 2 and 4. R.S.O. 1970, c. 424, s. 44 (3-6).

(8) Where an employee of a board that, before the 1st day of ^{Sick leave credits} June, 1968, had established a sick leave credit plan became, on the 1st day of January, 1969, an employee of a divisional board or of a county or district combined separate school board, such board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board. R.S.O. 1970, c. 425, s. 30 (11); R.S.O. 1970, c. 430, s. 86 (10).

(9) Nothing in this section affects any sick leave credit ^{Idem} plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, ^{R.S.O. 1950, cc. 165, 316,} section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*. ³⁵⁶ R.S.O. 1970, c. 424, s. 99 (2).

Agreements

156.—(1) A board may, subject to subsection 2, enter ^{Agreements to provide accommodation or services for another board} into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

(a) accommodation for administrative purposes;

(b) accommodation for instructional purposes;

- (c) the services of teachers and other personnel; or
- (d) the transportation of pupils,

that the board by this Act is authorized or required to provide for its own pupils.

Where
building,
additions,
etc., required

(2) Where the construction of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister. 1972, c. 77, s. 19, *amended*.

Agreements
re pupils in
federal
establish-
ments

(3) A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada. R.S.O. 1970, c. 424, s. 38.

Interpre-
tation

157.—(1) In this section,

- (a) “board” includes The Metropolitan Toronto School Board;
- (b) “municipality” includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

Agreements
for joint
use of
facilities,
etc.

(2) One or more boards and the council of a municipality or the councils of two or more municipalities may enter into an agreement,

- (a) in respect of the use of existing facilities owned by one of such parties; or
- (b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

- (c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;
- (d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;
- (e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;
- (f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and
- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

(3) Where, pursuant to an agreement made under this section, a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister. Approval of
Minister

(4) This section does not affect an agreement entered into before the 23rd day of June, 1972, Present
agreement

(a) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or R.S.O. 1970,
c. 295

(b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the 23rd day of June, 1972, an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section. 1972, c. 77, s. 20.

158.—(1) A public school board may enter into an agreement with another public school board under which one public school board shall furnish education for pupils of the other upon payment by such other public school board on behalf of such pupils of fees calculated in accordance with section 211. Agreement
between
public
school
boards R.S.O. 1970, c. 385, s. 5 (12).

Agreement
between
separate
school
boards

(2) A separate school board may enter into an agreement with another separate school board under which one separate school board shall furnish education for pupils of the other upon payment by such other separate school board on behalf of such pupils of fees calculated in accordance with section 211. R.S.O. 1970, c. 430, s. 25 (12).

Admission
of pupils
to Indian
schools

R.S.C. 1970,
c. I-6

(3) The board of an elementary school may provide for the admission of one or more of its pupils to a school for Indian children established, operated and maintained under the *Indian Act* (Canada), subject to the approval of the authority having control of such school, and the accommodation provided under such arrangement shall be in lieu of the accommodation that the board is required by this Act to provide for such pupils.

Levy for
fees, trans-
portation,
etc.

(4) The board of an elementary school may levy and collect upon the property rateable for the purposes of the board such sum as may be necessary to pay the fees of its pupils who attend schools for Indian children pursuant to subsection 3 and to pay for the transportation of such pupils to and from such schools as well as such other sums as the board considers expedient or as may be required by this Act.

Closing of
school by
board

(5) Where a board has arranged under this section for the admission of all its pupils to a school or schools that the board does not operate, the board may close its schools for the period during which such arrangement or arrangements are in effect. R.S.O. 1970, c. 385, s. 53, *amended*.

Agreements
for
education
of public
and separate
school pupils

159. A public school board and a separate school board may enter into an agreement in respect of the provision of education in a public or separate school under the jurisdiction of either board for pupils of the other board in a course or courses that are not available in a school under the jurisdiction of the board requiring the provision of education or that are considered by such board to be not readily accessible to the pupils in respect of whom the agreement is made where,

- (a) the appropriate supervisory officer of the board providing education certifies that accommodation is available in such school for such pupils; and
- (b) the board requiring the provision of education pays for each such pupil a fee calculated in accordance with section 211. R.S.O. 1970, c. 385, s. 5 (13); R.S.O. 1970, c. 430, s. 25 (13).

Agreement
for
provision of
additional
accommoda-
tion by
board for
pupils of
another
board

160.—(1) Subject to the approval of the Minister, a public school board may enter into an agreement with another public school board providing,

- (a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;
- (b) that the cost of such additional accommodation shall be borne and paid by such other board; and
- (c) notwithstanding section 211, for the calculation and payment of fees in respect of such pupils.

(2) Where, under an agreement, the board that does not provide the additional accommodation is required to bear and pay the cost thereof, the additional accommodation shall, for the purposes of issuing debentures, be deemed to be a permanent improvement of such board. Where cost borne by board not providing accommodation

(3) Every such agreement shall remain in effect for at least the term of any debenture that may be issued in respect thereof unless terminated by mutual consent of the parties to the agreement. R.S.O. 1970, c. 385, s. 6. Term of agreement

161.—(1) The board of a secondary school district that is not a school division may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment in respect of such pupils of fees calculated in accordance with section 211. Secondary school agreements

(2) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board and for the payment in respect of such pupils of fees calculated in accordance with section 211. R.S.O. 1970, c. 425, s. 60, *amended*. Agreements for education at outside schools

162.—(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be as provided in section 211. Agreements re accommodation for Indian pupils

(2) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be Idem

as provided in section 211, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto. R.S.O. 1970, c. 424, s. 37 (1, 2); 1971, c. 90, s. 6 (1, 2).

Cost of
special
services

(3) A board shall not enter into an agreement under subsection 1 or 2 that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in addition to the fees prescribed in subsection 1 or 2, the cost of such services is payable by the Crown in right of Canada. 1973, c. 92, s. 11.

Appointment
of representa-
tive of
Indian pupils

(4) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 5, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 6, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

- (a) where the agreement or agreements under this section are in respect of secondary school pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect public schools exclusively; and
- (b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect secondary schools exclusively.

Additional
representa-
tive

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 4, and subsection 4 applies *mutatis mutandis* in respect of such persons.

Where
appointment
in discretion
of board

(6) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent

of the average daily enrolment in the schools of the board and 100, the appointment under subsection 4 may be made at the discretion of the board.

(7) Where the agreement is, or the agreements are, in Enrolment respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 5 and 6 shall be that of elementary school pupils only or secondary school pupils only, as the case may be.

(8) A member of the board appointed under subsection Appointed members in addition to elected members 4, 5 or 6 is in addition to the number of members of the board otherwise provided for in this Act and the term of office of such member terminates on the same date as the term of office of the elected members. 1972, c. 77, s. 21.

(9) Where the office of a member of a board appointed Vacancy in office under this section becomes vacant for any reason, it shall be filled in accordance with subsection 4, and the person so appointed shall hold office for the remainder of the term of his predecessor. *New.*

Transportation

163.—(1) A board may provide transportation for, Transportation of pupils

(a) a resident pupil of the board who is enrolled in,

(i) a school that the board operates, or

(ii) a school operated by another board to which the board pays fees in respect of such pupil,

to and from school; and

(b) a person who is qualified to be a resident pupil of the board and who is enrolled in,

(i) the Ontario School for the Blind,

(ii) an Ontario School for the Deaf,

(iii) an Ontario Hospital School, or

(iv) a children's mental health centre established under *The Children's Mental Health Centres Act*, R.S.O. 1970, c. 68

to and from such school or mental health centre;

(c) a person for whom the board is reimbursed by the Minister for the cost of education in accordance with the regulations. 1971, c. 90, s. 7 (1), *amended.*

- Elementary to secondary (2) An elementary school board may provide transportation to a secondary school for pupils whose parents or guardians are supporters of the elementary school and who do not reside in a secondary school district.
- Pupils in unorganized territory (3) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school.
- Idem (4) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. R.S.O. 1970, c. 424, s. 42 (2-4).
- Idem (5) A secondary school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board. 1971, c. 90, s. 7 (2).
- Purchase of bus (6) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose.
- Agreements (7) Subject to subsection 8, for the purposes of this section, a board may make an agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils.
- Agreements not exceeding five years (8) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years for the transportation of such pupils.
- Boarding of secondary school pupils residing in territorial district (9) Where a pupil resides in a school section or separate school zone in a territorial district but not in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

(10) Where a pupil resides in a territorial district but not in ^{Idem} a school section, a separate school zone or a school division, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

(11) Where a pupil resides with his parent or guardian in a ^{Idem} school division in a residence that,

(a) in a territorial district is fifteen miles or more; or

(b) in a county is thirty miles or more,

by road or rail from a secondary school that he attends, or where a pupil resides with his parent or guardian on an island in a school division, the board of the school division of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

(12) Where a secondary school pupil resides in a territorial ^{Boarding and transportation of secondary school pupils in a territorial district taking "français" subject} district in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school in which the subject of French, taught as a subject for students who normally speak the French language, is offered as one of the subjects of the courses of study, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, when not so provided by the secondary school board, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends, or may furnish transportation for such pupil in lieu thereof.

(13) Where a pupil resides in a territorial district but not in a ^{Boarding of elementary school pupils residing in territorial districts} school section or a separate school zone, with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the appropriate supervisory officer of the elementary school nearest such residence,

the board of the elementary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Boarding of elementary school pupils where transportation impracticable

(14) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Certification of attendance

(15) For the purpose of certifying attendance under subsections 9 to 14, the principal may add to the number of days of attendance of a pupil the number of days the pupil is excused from attendance under the regulations or is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. R.S.O. 1970, c. 424, s. 42 (5-14), *amended*.

Allowances

Allowance for members

164.—(1) A board may pay to each member of the board for each month an allowance not exceeding an amount based on the enrolment on the 30th day of September in the preceding year in all the schools which, on the 1st day of January of the current year, are operated by the board, as follows:

Enrolment	Maximum Monthly Allowance
Fewer than 100	\$ 20
100 or more but fewer than 500	50
500 or more but fewer than 2,000	100
2,000 or more but fewer than 5,000	150
5,000 or more but fewer than 15,000	200
15,000 or more but fewer than 30,000	300
30,000 or more but fewer than 50,000	350
50,000 or more but fewer than 75,000	400
75,000 or more but fewer than 100,000	500
100,000 or more	600

(2) A board may pay to its chairman, in addition to any allowance that may be paid to him as a member, an additional allowance not exceeding one-half of the allowance that may be paid to him as a member. Chairman, additional allowance

(3) A board may pay to a member an allowance of 15 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or of a committee of the board that is held within its area of jurisdiction. Mileage allowance for board meetings

(4) A board may authorize a member, teacher or official of the board to travel on designated business of the board, and may reimburse the member, teacher or official for his actual expenses incurred on business of the board, or such lesser amount as may be determined by the board. Expenses for authorized travel on board business

(5) A board may provide for a deduction of a reasonable amount from the allowance of a member because of absence from regular or committee meetings of the board. Deduction because of absence

(6) Subsections 3, 4 and 5 apply *mutatis mutandis* to members of a committee established by the board who are not members of the board. R.S.O. 1970, c. 424, s. 40, *amended*. Advisory committee members

Property

165.—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in a public school board or a board of education having jurisdiction in the municipality in which the lands are situate, continue to be vested in such board, and continue to be held by it and its successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are respectively held. R.S.O. 1970, c. 385, s. 9 (1). School lands granted before 1850 vested in board for school purposes

(2) All property heretofore granted or devised to, acquired by or vested in any person or corporation, Property in trust vested in board

(a) for the secondary school purposes of a secondary school district or any part thereof; or

(b) for the separate school purposes in a separate school zone,

is vested in the board having jurisdiction in the secondary school district or separate school zone, as the case may be. R.S.O. 1970, c. 430, s. 50 (1) (i), *part*; 1972, c. 75, s. 3, *amended*.

Possession
of property

166.—(1) A board may take possession of all property acquired or given for school purposes and hold and apply it according to the terms on which it was acquired or given. R.S.O. 1970, c. 385, s. 51 (2) (a).

Idem

(2) A separate school board has power to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received. R.S.O. 1970, c. 430, s. 50 (1) (i), *part.*

Appropriation
of property

(3) A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but, where public school property is appropriated for secondary school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for public school purposes and, where secondary school property is appropriated for public school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for secondary school purposes. R.S.O. 1970, c. 425, s. 23, *amended.*

Disposal of
lands
patented to
boards for
school
purposes

167.—(1) Lands originally granted or conveyed by the Crown for school purposes and held by a board may be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1970, c. 385, s. 9 (2).

Application
for removal
of restrictions
on use
of school
lands

(2) Where land, the use of which is restricted by deed in any manner to school purposes so as to appear that some other person may have an interest therein, has been vested in a board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it considers just including, where the land adjoins land being used as a farm, a requirement that the board shall, where the board intends to sell the land, first offer it at a reasonable price to the owner or owners of such adjoining land. R.S.O. 1970, c. 385, s. 10, *amended.*

Lease or
sale of site
or property

(3) Subject to subsection 4, a board has power to sell, lease or otherwise dispose of any school site or part thereof or property of the board upon the adoption of a resolution that such site or part or property is not required for the purposes of the board, and the board shall apply the proceeds thereof for the purposes of the board and shall advise the Minister of the sale, conveyance or transfer, or of the lease

where the term thereof exceeds one year, of any of its schools. R.S.O. 1970, c. 385, s. 51 (2) (b); R.S.O. 1970, c. 425, s. 9 (2); R.S.O. 1970, c. 430, s. 50 (1) (i), *part, amended*.

(4) Notwithstanding any general or special Act, including *The Metropolitan Separate School Board Act, 1953*, a board shall not sell, lease or otherwise dispose of a building or part thereof other than to another board unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister. Disposal of buildings 1953, c. 119

(5) Subsection 4 does not apply to the use of a building or part thereof pursuant to an agreement under section 157 or, where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school. 1973, c. 92, s. 2. Exceptions

168.—(1) Subject to the provisions of Part IV as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction. Board may purchase or expropriate within its jurisdiction

(2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school thereon, but the board shall not expropriate any such site. Purchase or lease of site in adjoining jurisdiction

(3) A county or district combined separate school board may acquire by purchase or lease, or may expropriate, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 103 but that is not within the county or district combined separate school zone, for the purpose of operating a school thereon. 1972, c. 77, s. 27, *part*. Separate school board may purchase or expropriate within its designated area

(4) A county or district combined separate school board may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 2 of section 103 and may operate thereon a separate school, but a county or district combined separate school board shall not expropriate any such site. School outside designated area

(5) Notwithstanding section 80, the operation of a separate school on a school site acquired under subsection 4 does not, thereby, establish a separate school zone with a centre at such site. 1972, c. 76, s. 28, *part*. Zone not established

Buildings on land owned by board (6) Subject to section 169, a board may erect buildings for its purposes on land owned by the board.

Buildings on leased land (7) A board may erect a school building on land that is leased by the board where the term of the lease, the school site and the plans of the school building are approved by the Minister. 1973, c. 92, s. 16.

Additions or alterations (8) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease. 1972, c. 77, s. 27, *part, amended*.

Agreement for multi-use building **169.** Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purposes may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister. 1972, c. 77, s. 28.

Out-of-Classroom Programs

Acquisition of land for natural science programs **170.**—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

Agreements between boards (2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

Taxation (3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2;
or

- (b) in the case of a separate school board, within the area designated in respect of such board by regulation made under subsection 2 of section 103,

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program. Agreements with conservation authorities, etc.

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board. 1972, c. 77, s. 29. Idem

(6) One or more boards may enter into an agreement with a conservation or other appropriate authority to provide for the construction, furnishing and equipping by the authority on lands owned by the authority of facilities for the purposes of conducting a natural science, conservation or other out-of-classroom program as directed by the board or one or more of the boards and, where under the agreement a board is required to pay all or part of the cost of the facilities, the construction of the facilities shall be first approved by the Minister, and the amount paid therefor by the board shall be deemed to be an expenditure made by the board for a permanent improvement. *New.* Idem

(7) A board may provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he participates, with the consent of his parent or guardian and with the permission of the board, in a natural science, conservation or other out-of-classroom program. R.S.O. 1970, c. 424, s. 34, par. 34. Board for courses in conservation

Officers

171.—(1) The secretary of a board is responsible for, Duties of secretary

- (a) keeping a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board and ensuring that the minutes when confirmed are signed by the chairman or presiding member;

- (b) transmitting to the Ministry copies of reports requested by the Ministry;
- (c) giving notice of all meetings of the board to each of the members by notifying him personally or in writing or by sending a written notice to his residence;
- (d) calling a special meeting of the board on the request in writing of the majority of the members of the board; and
- (e) performing such other duties as may be required of him by the regulations, by this Act or by the board. R.S.O. 1970, c. 424, s. 51; R.S.O. 1970, c. 430, s. 32, *amended*.

Security by
officers

(2) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safekeeping as directed by the board.

Form of
security

R.S.O. 1970,
c. 196

(3) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1970, c. 424, s. 52.

Failure to
take security

(4) If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys, which may be recovered by the board or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1970, c. 424, s. 59.

Duties of
treasurer

(5) Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;

(d) disburse all moneys as directed by the board; and

(e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1970, c. 424, s. 53.

(6) Where a board determines that one or more persons should be employed full time to carry out the duties of a secretary or treasurer or both, it may appoint one or more business administrators and one or more assistant business administrators and may assign to a person so appointed any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings. R.S.O. 1970, c. 424, s. 41.

172. Every officer appointed by a board is responsible to the board through its chief executive officer for the performance of his duties. *New.*

School Board Advisory Committees

173. In sections 174 to 178, "committee" means a school board advisory committee established under section 174. R.S.O. 1970, c. 424, s. 83 (b).

174. A board of education, a county or district combined separate school board or the Metropolitan Separate School Board may establish a school board advisory committee. R.S.O. 1970, c. 424, s. 84.

175.—(1) The committee shall be composed of,

(a) three members of the board appointed by the board;

(b) the chief education officer of the board or his nominee;

(c) six teachers employed by the board, appointed by the teachers in the employ of the board;

(d) four persons appointed by the board who are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and

(e) the persons appointed under subsections 2 and 3. R.S.O. 1970, c. 424, s. 85 (1).

(2) In the case of a separate school board,

(a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations

of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

- (b) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*. 1972, c. 77, s. 34 (1).

Board of
education

(3) In the case of a board of education,

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;
- (b) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council;
- (c) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (d) where no appointment is made under any two of clause *a*, *b* or *c*, two members may be appointed under the remaining clause. R.S.O. 1970, c. 424, s. 85 (3); 1972, c. 77, s. 34 (2).

Notice of
teacher
appointees

(4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1.

(5) Members of the committee shall be appointed on or ^{Appointment and term of office} before the 31st day of January in each year and shall hold office for one year.

(6) Except for the chief education officer, a member of the ^{Reappointment} committee shall not hold office for more than three years in succession.

(7) Every vacancy on a committee occasioned by the death ^{Vacancies} or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member. R.S.O. 1970, c. 424, s. 85 (4-7).

176.—(1) The chairman of the board shall call the first ^{First meeting} meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

(2) The chairman of the committee shall be elected by the ^{Chairman} committee at its first meeting in each year.

(3) Eight members of the committee constitute a quorum ^{Quorum} and a vote of the majority of the members present is necessary to bind the committee.

(4) The committee may establish such sub-committees as ^{Sub-committees} it considers necessary. R.S.O. 1970, c. 424, s. 86.

177.—(1) The board shall provide a recording secretary for ^{Recording secretary} the committee.

(2) The committee shall, as required by the board, submit ^{Budget} to the board for approval a budget of its estimated expenditures for the calendar year.

(3) The board shall pay such expenditures of the committee ^{Expenditures} as are approved by the board. R.S.O. 1970, c. 424, s. 87.

178.—(1) The committee may make reports and recommen- ^{Powers of committee} dations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.

(2) Notwithstanding subsection 1, the committee shall not ^{Limitation} concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.

Consideration of reports (3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board. R.S.O. 1970, c. 424, s. 88.

Access to Meetings and Records

Open meetings of school boards **179.**—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion of persons (2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1970, c. 424, s. 47.

Inspection of books and accounts (3) Any person may, at all reasonable hours, at the head office of the board inspect the minute book, the audited annual financial report and the current accounts of a board, and, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, the secretary shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1970, c. 424, s. 54; 1972, c. 77, s. 25.

Board Meetings

First meeting **180.**—(1) Where a board is elected or appointed,

(a) on or before the 31st day of December in any year, to be established in the following year, it shall hold its first meeting at 8.00 p.m. on the second Wednesday in January of the following year; and

(b) on or after the 1st day of January in any year, to be established in that year, it shall hold its first meeting at 8.00 p.m. on the second Wednesday following the election or appointment.

Supervisory officer may provide for calling first meeting (2) Notwithstanding subsection 1, on the petition of a majority of the members of a newly elected or appointed board, the appropriate supervisory officer may provide for calling the first meeting of the board at some other time and date.

(3) A board shall be deemed to be constituted when a majority of the members to be elected or appointed has been elected or appointed, and every member so elected or appointed shall, except where he resigns, or where his seat is vacated under this Act, continue in office until his successor is elected or appointed and the new board is organized. When board deemed constituted

(4) At the first meeting in each year, the chief executive officer shall preside until the election of the chairman or, if there is no chief executive officer or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member. Presiding officer

(5) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. Election of chairman

(6) Subsequent meetings of the board shall be held at such time and place as the board considers expedient. Subsequent meetings

(7) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. Vice-chairman

(8) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be. Where equality of votes

(9) If at any meeting there is no chairman or vice-chairman present, the members present may elect one of themselves to be chairman for that meeting. Temporary chairman

(10) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. Temporary secretary

(11) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members Quorum

elected to the board of education by the public school electors is necessary to form a quorum.

Chairman,
voting;
equality of
votes

(12) Subject to subsection 7 of section 53, the presiding officer, except where he is the chief executive officer of the board and is not a member, may vote with the other members of the board upon all motions, and any motion on which there is an equality of votes is lost. R.S.O. 1970, c. 424, s. 48 (1-12), *amended*.

Special
meetings

(13) Special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1970, c. 424, s. 48 (13); R.S.O. 1970, c. 430, s. 49, *amended*.

Declaration

181.—(1) Except as provided in subsection 2, every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, or on or before the day of the first meeting that he attends, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I,.....*A.B.*....., do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).
2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at
.....in the
County or District of
.....this
.....day of
....., 19..

A.B.

Idem

(2) Where a person is elected or appointed to fill a vacancy on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment or on or before the day of the first meeting that he attends and in default he shall be deemed to have resigned.

(3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I,.....*A.B.*....., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	}	<i>A.B.</i>
.....in the		
County or District of		
.....this		
.....day of		
....., 19..		

(4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be. R.S.O. 1970, c. 424, s. 49.

Arbitrators

182.—(1) Arbitrators acting under this Act shall send a copy of their award forthwith after the making thereof to the chief executive officer of the board and to the clerk of each municipality affected. R.S.O. 1970, c. 424, s. 102 (1); 1972, c. 77, s. 35.

(2) Such arbitrators shall determine the costs of the arbitration and shall direct to whom and by whom and in what manner such costs or any part thereof, and the fees under subsection 4, shall be paid, and such determination and direction is final.

(3) An arbitrator is entitled to an allowance of 15 cents for each mile necessarily travelled by him to and from his residence to attend meetings of arbitrators together with his actual expenses for room and meals, incurred while attending such meetings, and such costs shall be included in the costs of the arbitration.

(4) Each arbitrator, shall be paid a fee,

(a) in the case of the Ontario Municipal Board, as determined by the Board;

(b) in the case of an arbitrator other than a supervisory officer, judge or member of the Ontario Municipal Board, at the rate of \$20 for each sitting of a half-day or fraction thereof.

Application (5) This section does not apply to a Board of Reference or the members thereof. R.S.O. 1970, c. 424, s. 102 (2-5), *amended*.

Application to treasurers (6) This section, except subsection 4, applies to treasurers of municipalities who meet to arbitrate the apportionment of costs within a school division. *New*.

Offences and Penalties

False declaration **183.** Every person who wilfully makes a false statement in a declaration required to be made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 424, s. 89, *amended*.

Disturbances **184.** Every person who wilfully interrupts or disquiets the proceedings of a school or class or of a meeting of a board or a committee of a board, including a committee of the whole board, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 424, s. 90, *amended*.

Acting while disqualified **185.—(1)** Every member of a board who sits or votes at any meeting of the board after becoming disqualified from sitting is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every meeting at which he so sits or votes. R.S.O. 1970, c. 424, s. 91 (3), *amended*.

False reports and registers (2) Every member of a board who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 424, s. 94, *amended*.

Information to auditors **186.** Every member of a board and every officer thereof who,

(a) withholds from the auditor access, at all reasonable hours, to the books, records, documents and vouchers of the board; or

(b) refuses or neglects to provide such information and explanations as the auditor may require,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100, but no person is liable if he proves that he has made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1970, c. 424, s. 93, *amended*.

187.—(1) A person who holds or has held the office of treasurer, secretary or secretary-treasurer, and a member or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, member or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority. Delivery up of books and money

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, member or person to appear before him at a time and place appointed by him. Summons for appearance

(3) A bailiff of a small claims court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a person apparently not under the age of sixteen years. Service of summons

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. R.S.O. 1970, c. 424, s. 96 (1-4). Order to account

(5) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1970, c. 424, s. 96 (8). Other remedy not affected

188.—(1) Section 187 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money as provided in this Act and failing any such provision, as directed by the Minister, and in default thereof, proceedings may be taken against the person by two ratepayers in the same manner as in the case provided for by section 187 and that section *mutatis mutandis* applies. Compelling delivery of books, money, etc., on dissolution of school corporation

Application
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, member or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, member or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1970, c. 424, s. 97, *amended*.

No super-
visory officer,
teacher, etc.,
to act as
agent for sale
of books, etc.

189.—(1) No teacher, supervisory officer or other person officially connected with the Ministry or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any service, book or other teaching or learning materials, equipment, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other such institution or for the use of any pupil thereof, in respect of which he receives directly or indirectly compensation or other remuneration or the equivalent for so doing.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable, if he is a teacher to a fine of not more than \$50, if he is a supervisory officer to a fine of not more than \$500 and if he is any other person so officially connected to a fine of not more than \$100.

Idem

(3) Every person, firm or corporation and every agent of a person, firm or corporation who employs a teacher, supervisory officer or any other person officially connected with the Ministry or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any service, book or other teaching or learning materials, equipment, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other such institution, or who directly or indirectly gives or pays to any such teacher, supervisory officer or other person for such purpose compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Application

(4) This section does not apply to a teacher, supervisory officer or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon. R.S.O. 1970, c. 424, s. 98, *amended*.

Validity of Elections

190.—(1) Any person entitled to vote at the election of members of a board may commence an action by writ in the county or district court in the county or district in which the head office of the board is situate for a declaration that the office of a member of such board has become vacant under section 50, 112, 181, 192, 193 or 202. Action for declaration that seat vacant

(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the board came to the knowledge of the person bringing such action. Time for bringing action

(3) Where in an action under this section the court finds that the office of a member of the board has become vacant, the court may order that the member be removed from office and declare that the office is vacant. Power of court

(4) The provisions of sections 105 to 108 and 112 of *The Municipal Elections Act, 1972* apply *mutatis mutandis* to an action brought under this section. Application of 1972, c. 95

(5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claim may be heard and disposed of in the same action. 1973, c. 92, s. 14. Joining of claims

(6) The provisions of *The Municipal Elections Act, 1972* in respect of the validity of elections and corrupt practices apply to an election of trustees that is not conducted under *The Municipal Elections Act, 1972*. 1972, c. 137, s. 2; 1973, c. 37, s. 3, *amended*. Validity of elections and corrupt practices

PART VII

BOARD MEMBERS—QUALIFICATIONS, RESIGNATIONS AND VACANCIES

191. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote thereon. 1972, c. 77, s. 26. Employee disqualified

192.—(1) A person is qualified to be elected as a member of a board if he is, Qualifications of members

(a) a Canadian citizen;

(b) of the full age of eighteen years;

(c) a resident within the area of jurisdiction of the board; and

(d) in the case of,

(i) a public school board, a public school elector,

(ii) a Roman Catholic separate school board, a separate school supporter or a separate school elector,

(iii) a member of a board of education to be elected by public school electors, a public school elector, and

(iv) a member of a board of education to be elected by separate school electors, a separate school elector. R.S.O. 1970, c. 385, s. 13 (1); R.S.O. 1970, c. 425, ss. 5 (1), 39 (1); R.S.O. 1970, c. 430, s. 19; 1971, c. 98, s. 4, Sched., pars. 27, 29, 31; 1972, c. 74, s. 2 (1); 1972, c. 75, s. 2 (1).

Members
eligible for
re-election

(2) A member of a board is eligible for re-election if otherwise qualified. R.S.O. 1970, c. 425, s. 39 (2).

Disquali-
fication

(3) A person is not qualified to be elected or to act as a member of a board,

(a) who is,

(i) a member of any other board, or

(ii) a member of the council or an elected member of a local board as defined in *The Municipal Affairs Act*, of a municipality, including a metropolitan or regional municipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board,

R.S.O. 1970,
c. 118

and whose term of office has at least two months to run after the last day for filing nominations for a new election unless before the closing of nominations he has filed his resignation with the secretary of the other board or with the clerk of the municipality, as the case may be;

(b) who is the clerk or treasurer of a county or municipality, including a metropolitan or regional muni-

cipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board;

(c) who is a member of the Assembly or of the Senate or House of Commons of Canada; or

(d) who is otherwise ineligible or disqualified under this or any other Act. R.S.O. 1970, c. 385, s. 13 (2); R.S.O. 1970, c. 425, ss. 5 (2), 39 (3); 1972, c. 74, s. 2 (2, 3); 1972, c. 75, ss. 2 (2, 3), 12, *amended*.

(4) A person is qualified to act as a member of a board during the term for which he was elected so long as he continues to hold the qualifications required for election as a member of the board and does not become disqualified under subsection 3. R.S.O. 1970, c. 385, s. 13 (3); R.S.O. 1970, c. 425, ss. 5 (3), 39 (4). Qualification to act as member

(5) No person shall qualify himself as a candidate for more than one seat on a board, and any person who so qualifies himself and is elected to hold one or more seats on the board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. R.S.O. 1970, c. 425, s. 39 (5). Person not to be candidate for more than one seat

(6) Notwithstanding subsection 4, a member of a Roman Catholic separate school board who was elected or appointed prior to the coming into force of this Act shall not be disqualified during the term of office for which he was elected or appointed by reason of not holding the qualifications required under clause *c* or *d* of subsection 1. *New*. Exception

193.—(1) The members of a board shall remain in office until their successors are elected and the new board is organized. R.S.O. 1970, c. 385, s. 19 (2), *amended*. Members to remain in office

(2) A board does not cease to exist by reason only of the lack of members. R.S.O. 1970, c. 385, s. 14. Board not to cease for want of members

(3) A member of a board, with the consent of a majority of the members present at a meeting, entered upon the minutes of it, may resign as a member, but he shall not vote on a motion as to his own resignation and may not resign as a member if his resignation will reduce the number of members of the board to less than a quorum. Resignation of members

(4) Notwithstanding subsection 3, where it is necessary for a member of a board to resign to become a candidate for some other office, he may resign by filing his resignation, including a Resignation to become candidate for some other office

statement that he is resigning for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on the 31st day of December after it is so filed or the day preceding the day upon which the term of such office commences, whichever is the earlier. R.S.O. 1970, c. 424, s. 50, *amended*.

Vacancies on
public and
secondary
school
boards

194.—(1) Subject to section 198, where, in respect of a board, the office of a member elected by public school electors, except a board composed of three members, becomes vacant from any cause before the expiration of the term for which he was elected and,

- (a) the remaining members elected by public school electors constitute a majority of the members of the board elected by public school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or
- (b) there are no remaining members elected by public school electors or the remaining members elected by public school electors do not constitute a majority of the members elected by public school electors, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 385, s. 22 (1); R.S.O. 1970, c. 425, s. 42 (1); 1972, c. 74, s. 8, *amended*.

Vacancy in
office of
member
elected by
separate
school
electors

(2) Subject to section 198, where, in respect of a board of education, the office of a member elected by separate school electors becomes vacant from any cause before the expiration of the term for which he was elected, and,

- (a) the remaining members elected by separate school electors constitute a majority of the members elected by separate school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or
- (b) there are no remaining members elected by separate school electors or the remaining members elected by separate school electors are not a majority of the members elected by separate school electors, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils

below the third year of the Intermediate Division who resided in the school division, as certified by the appropriate supervisory officer,

and the person so appointed shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 425, s. 42 (2), *amended*.

(3) Subject to section 198 and notwithstanding subsection 2, where the offices of all members of a board of education become vacant from any cause, a new election shall be held to fill all such vacancies, and the members so elected shall hold office for the remainder of the term of their predecessors. R.S.O. 1970, c. 425, s. 42 (3). All offices vacant

(4) Notwithstanding subsections 1 to 3, where the elections of a board are held under *The Municipal Elections Act, 1972*, a board may require that an election be held to fill a vacancy on the board and, where an election is so held, the provisions of that Act that pertain to an election to fill a vacancy apply. 1972, c. 74, s. 8; 1972, c. 75, s. 14; 1972, c. 76, s. 15. Election to fill a vacancy
1972, c. 95

195.—(1) Where a vacancy occurs from any cause in the office of a member of a district school area board composed of only three members, the remaining members shall forthwith hold a new election to fill the vacancy in the manner provided for holding the election of the board, and the person elected shall hold office for the remainder of the term of his predecessor. Vacancies of board of district school area

(2) If at any time there are no remaining members, or only one remaining member, of the board of a district school area, any two electors of the district school area, or the appropriate supervisory officer, by giving six days notice posted up in at least three public places in the district school area, may call a meeting of the electors who shall elect three or two members, as the case may be, in the manner provided in subsection 1. R.S.O. 1970, c. 385, s. 33 (8, 9), *amended*. Where one trustee or no trustee

196. Subject to section 198, where the office of a trustee of a separate school board, other than a rural separate school board, becomes vacant from any cause before the expiration of the term for which he was elected and, Vacancy on separate school board other than rural

- (a) the remaining members constitute a majority of the membership of the board, a majority of the remaining members shall, at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or

- (b) there are no remaining members or the remaining members do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 430, ss. 52 (3, 4), 91 (5), *amended*.

Vacancy on
rural
separate
school board

197.—(1) Where a vacancy occurs from any cause in the office of a trustee,

- (a) of a rural separate school before the trustees become a body corporate; or

- (b) of a rural separate school board,

the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the remainder of the term of his predecessor.

Proceedings
at new
election

(2) The new election shall be conducted in the same manner and is subject to the same provisions as for an election of the whole board. R.S.O. 1970, c. 430, s. 52 (1, 2), *amended*.

Vacancy on
board

198. Where a vacancy occurs on a board,

- (a) within one month before the next ensuing election, it shall not be filled; or

- (b) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. R.S.O. 1970, c. 430, ss. 52 (5) (a, b), 91 (5); 1972, c. 74, s. 8, *part, amended*.

Election to
fill vacancy

199. Where an election is required to fill a vacancy on a board, except a board composed of only three members, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. R.S.O. 1970, c. 425, s. 42 (4), *amended*.

Appointment
of trustees
on failure of
qualified
person

200. Where the appropriate supervisory officer reports that no persons duly qualified are available or that the electors have failed to elect members of a district school area board

or a rural separate school board, the Minister may appoint as members of the board such persons as he may consider proper, and the persons so appointed have, during the term of such appointment, all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1970, c. 385, s. 22 (4).

201. When, at a regular meeting of a board or at a special meeting called to fill a vacancy or vacancies on a district school area board or a rural separate school board, two or more candidates for office receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected. R.S.O. 1970, c. 385, s. 33 (10), *amended*. When tie
vote for
vacancy on
board

202.—(1) If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board, or ceases to hold the residence qualification required and in the case of a separate school board ceases to reside within the separate school zone, he thereby vacates his seat, and the provisions of this Act with respect to the filling of vacancies apply. Seat vacated
by conviction

(2) Notwithstanding subsection 1, where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1970, c. 424, s. 57. Proviso

PART VIII

FINANCE

203.—(1) In this section, “board” means a divisional board and a county or district combined separate school board. *New*. Interpre-
tation

(2) Every board shall appoint an auditor who shall be a person licensed by the Ministry of Treasury, Economics and Intergovernmental Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the board. Appointment
and dismissal
of auditor

(3) No person shall be appointed as an auditor of a board who is or during the preceding year was a member of the board or who has or during the preceding year had any Disqualifi-
cation of
auditor

direct or indirect interest in any contract or any employment with the board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

Duties of
auditor

(4) An auditor of a board shall perform such duties as are prescribed by the Minister and by the Minister of Treasury, Economics and Intergovernmental Affairs and also such duties as may be required by the board that do not conflict with the duties prescribed by the Minister and by the Minister of Treasury, Economics and Intergovernmental Affairs.

Rights of
auditor

(5) An auditor of a board has the right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the board and is entitled to require from the members and officers of the board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

Auditor may
take
evidence

1971, c. 49

(6) An auditor of a board may require any person to give evidence on oath touching on any such matters, and for such purpose has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Auditor may
attend
meetings

(7) An auditor of a board is entitled to attend any meeting of the board or of a committee thereof and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Publication
of financial
statements

(8) The treasurer of every board in every year shall, within one month after receiving the auditor's report on the financial statements of the board, cause to be published or to be mailed or delivered to each ratepayer a copy of the financial statements of the board for the preceding year in such form as the Minister may prescribe, together with a copy of the report of the auditor.

Idem

(9) Where in any year a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 8 cause to be included with such notice the copy or summary and the report.

Filing of
financial
statements

(10) The treasurer of every board in every year shall prepare the financial statements of the board and, upon receiving the auditor's report thereon, shall forthwith submit two copies

of the financial statements together with a copy of the auditor's report to the Ministry. R.S.O. 1970, c. 425, s. 36; R.S.O. 1970, c. 430, ss. 88, 89, *amended*.

204.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively. R.S.O. 1970, c. 425, s. 35 (1); 1971, c. 68, s. 5 (1). Debentures
R.S.O. 1970,
c. 284

(2) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board. 1971, c. 68, s. 5 (2). Temporary
advances
pending sale
of debentures

(3) The clerk-treasurer or treasurer of each county and municipality in which a divisional board has jurisdiction shall notify the treasurer of the divisional board before the 1st day of January in each year of the amount of the principal and interest due and payable in that year in respect of debentures issued for school purposes by such county or municipality and the dates on which payments are due. Notification
of debt
charges

(4) The treasurer of the divisional board shall pay to every county and municipality on or before the due date of payment the amount of the principal and interest as notified under subsection 3. R.S.O. 1970, c. 425, s. 35 (2, 3). Payment of
debt charges
for
debentures
not issued
by the
board

(5) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board. R.S.O. 1970, c. 424, s. 79 (1); 1971, c. 90, s. 12. Withholding
of debenture
levy

(6) Where the debt charges payable by a municipality referred to in subsection 5 on behalf of a board are more than the amount levied by the municipality for the cost of Deficiency
payable
board

operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable. R.S.O. 1970, c. 424, s. 79 (2).

Estimates

205.—(1) Every divisional board in each year shall prepare and adopt estimates of all sums required during the year for public school purposes and for secondary school purposes respectively, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board including debt charges payable by the divisional board or on its behalf by the council of a municipality or a county;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 33 of subsection 1 of section 1 and any sum allocated to a reserve fund,
 - (i) for secondary school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and
 - (ii) for public school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided,

and shall submit to the council of each municipality all or part of which is in the school division on or before the 1st

day of March in each year a statement indicating the amount of the estimates for public school purposes and for secondary school purposes to be raised by each council and a requisition of the amount of the estimates for public school purposes and for secondary school purposes required to be raised by the council in respect of the municipality or part thereof. R.S.O. 1970, c. 424, ss. 75 (2), 76, 77; R.S.O. 1970, c. 425, s. 31 (1); 1972, c. 75, s. 7 (1).

(2) In subsection 1, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the estimates are adopted as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. 1972, c. 75, s. 7 (2).

(3) The cost of operation of schools for trainable retarded children shall be included in the estimates of the divisional board for secondary school purposes under subsection 1. R.S.O. 1970, c. 425, s. 76, *amended*.

(4) The limitation on the sum that a board may allocate a reserve fund under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements.

(5) The limitation on the sum that a board may include in its estimates for permanent improvements under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements or to an expenditure from a reserve fund for the purpose for which such fund was established.

(6) The moneys raised for, or held in, a reserve fund by a board shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Minister and subsection 4 of section 308 of *The Municipal Act* does not apply to such moneys. 1972, c. 136, s. 3.

(7) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 208 to levy and collect the amount required by the divisional board.

Where cost
of separate
levy payable
by divisional
board

(8) Where, in any year, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

Requirement
re estimates
R.S.O. 1970,
c. 284

(9) Subsection 5 of section 307 of *The Municipal Act* does not apply to divisional boards. R.S.O. 1970, c. 425, s. 31 (2-4).

Application
to board of
education
R.S.O. 1970,
c. 295

(10) Except where inconsistent with the provisions of *The Municipality of Metropolitan Toronto Act*, this section applies, *mutatis mutandis*, to a board of education for an area municipality under such Act. *New*.

Application
to public
school board

(11) The provisions of this section that apply in respect of the public school purposes of a divisional board apply to a public school board. 1973, c. 37, s. 7, *amended*.

Interpre-
tation

(12) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply to a secondary school board. 1972, c. 136, s. 1.

Application
to secondary
school board

206.—(1) In this section, “equalized assessment” for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the apportionment is made as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. 1972, c. 75, s. 8 (1).

Apportion-
ment where
unorganized
territory
becomes
part of
school
division

(2) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board. R.S.O. 1970, c. 425, s. 32 (2).

Apportion-
ment,
secondary
school
purposes

(3) The sum required by a divisional board for secondary school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for secondary school purposes in each such municipality or locality bears to the equalized assessment of all the property

rateable for secondary school purposes in the school division. R.S.O. 1970, c. 425, s. 32 (3); 1972, c. 75, s. 8 (2).

(4) The sum required by a divisional board for public school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for public school purposes in each such municipality or locality bears to the equalized assessment of all the property rateable for public school purposes in the school division. R.S.O. 1970, c. 425, s. 32 (4); 1972, c. 75, s. 8 (3). Apportionment, public school purposes

(5) Where, in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 3 or 4 imposes an undue burden on the rate-payers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year. R.S.O. 1970, c. 425, s. 32 (5). Request for arbitration

(6) Upon receipt of the application, the divisional board shall direct its chief executive officer to call a meeting of the treasurer of the county or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer of The District Municipality of Muskoka and the treasurers of the municipalities within the school division, and these treasurers shall be arbitrators to determine the proportion of the amounts to be raised by each municipality. R.S.O. 1970, c. 425, s. 32 (7); 1972, c. 75, s. 8 (4). Arbitrators

(7) The arbitrators shall make their decision in writing and file a copy thereof with the chief executive officer of the divisional board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail. Notification of decision

(8) If, within thirty days of the mailing of copies of the decision by the chief executive officer, the council of one of the municipalities files with the chief executive officer a written objection to the decision of the arbitrators, the divisional board shall refer the matter to the Ontario Municipal Board whose decision is final. Reference to O.M.B.

(9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made. Effect of decision

Territory
without
municipal
organization

(10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under subsections 5 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the chief executive officer of the divisional board shall designate the person so to act. R.S.O. 1970, c. 425, s. 32 (8-11).

Adjustment
as result of
arbitration

(11) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the year following the year in which a final decision is received by the board except that, where such decision is received by the board in January, the adjustment shall be made in the levy for the year in which the decision is received. R.S.O. 1970, c. 425, s. 32 (12); 1973, c. 91, s. 2.

Regulations
for
apportion-
ment in year
1970 and any
subsequent
year

207.—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for any year among the municipalities or parts thereof and localities in the school division. R.S.O. 1970, c. 425, s. 33 (2); 1972, c. 75, s. 9 (2).

Apportion-
ment

(2) Notwithstanding subsections 3 and 4 of section 206, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation made under this section is applicable shall be apportioned among the municipalities or parts thereof and localities in the school division in accordance with such regulation. R.S.O. 1970, c. 425, s. 33 (3); 1972, c. 75, s. 9 (3).

Where
estimated
data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof or a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year. R.S.O. 1970, c. 425, s. 33 (4); 1972, c. 75, s. 9 (4).

Application
of grants

(4) Where the regulations provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

(5) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part thereof, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 5 to 11 of section 206 apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 33 (5, 6). Request for arbitration

208.—(1) The council of each municipality in a school division in each year shall levy and collect, Rates

- (a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and
- (b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

(2) Subject to subsection 3, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments: Payment to boards

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon

from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Agreement

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to all municipalities in the school division and otherwise subsection 2 applies *mutatis mutandis*.

**Termination
of agreement**

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the chief executive officer of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division as determined under subsection 1 of section 206,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

**Where
instalment
due before
requisition
received**

(5) Where, in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received. R.S.O. 1970, c. 425, s. 34 (1-5).

**Application
to separate
schools**

(6) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the provisions of subsections 1 to 5 apply *mutatis mutandis* to such board and such municipalities except that reference to equalized assessment in the school division shall

be deemed to refer to equalized assessment rateable for separate school purposes in the combined zone. R.S.O. 1970, c. 430, s. 87 (2-5), *amended*.

(7) The provisions of this section that apply in respect of the public school purposes of a divisional board apply to a public school board. Application to public school board 1971, c. 69, s. 6, *amended*.

209.—(1) Where taxes are collected by a municipal council for the purposes of a board, the notice of taxes given by the collector under section 521 of *The Municipal Act* shall be given separately in relation to taxes imposed for public, secondary or separate school purposes or in such manner as will clearly indicate the taxes imposed for such school purposes. Tax notices R.S.O. 1970, c. 284 R.S.O. 1970, c. 425, s. 34 (6).

(2) The council of a municipality shall annually account for all moneys collected for school purposes, and any sum collected in excess of the amount required by a board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. Municipality to account for moneys 1971, c. 68, s. 2.

(3) The council of a municipality shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from, or be compelled to pay more than, its proper proportion of the rate. Correction of errors in collection of rates in previous years R.S.O. 1970, c. 385, s. 48.

210.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time by way of a promissory note, such sums as the board considers necessary to meet the current expenditures of the board until the current revenue has been received, provided that the interest and any other charges connected therewith do not exceed the interest that would be payable at the minimum lending rate of the majority of chartered banks on the date of borrowing. Current borrowing 1973, c. 92, s. 17.

(2) A board may also borrow, in the manner provided in subsection 1, such sums as the board considers necessary to meet debt charges payable in any year until the current revenue has been received. Debt charges

Limitation

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated revenues of the board, as set forth in the estimates adopted for the year.

When
limitation
calculated
on
estimated
revenue

(4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of
resolution
authorizing
borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the lender, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total amounts borrowed under this section in the current year that have not been repaid.

Estimated
revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. R.S.O. 1970, c. 424, s. 71 (2-6).

Fees for
non-resident
pupils,
calculation

211.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of all elementary schools or secondary schools, under the jurisdiction of the board, as the case may be, for the year in which such education is provided,

- (a) by ascertaining the gross current expenditure for the operation of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging, and transportation once a week to school and return;
- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,

- (i) legislative grants,
 - (ii) taxation,
 - (iii) tuition fees,
 - (iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 15 of subsection 1 of section 10,
 - (v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and
 - (vi) transfers from reserve funds and from reserves for working funds;
- (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
- (d) by ascertaining the average daily enrolment of pupils at schools under the jurisdiction of the board;
- (e) by dividing the amount determined under clause *c* by the average daily enrolment as ascertained under clause *d*;
- (f) by multiplying the average daily enrolment of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,
- (i) the amount determined under clause *e*, and
 - (ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided. R.S.O. 1970, c. 424, s. 72 (1); 1971, c. 90, s. 10 (1), *amended*.

(2) Subject to subsection 3, where a board provides for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned.

(3) Subsection 2 shall not apply where education is provided for all the secondary school pupils from a specified area,

Fees from
another
board re
high-cost
courses

Where subs. 2
not to
apply

(a) under section 45; or

(b) pursuant to an agreement made under section 161.

Dispute as
to appli-
cation of
subs. 2

(4) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final. 1972, c. 77, s. 32 (1).

Special
education
classes

(5) Notwithstanding subsection 1, where a board provides instruction in a special education class for a pupil,

(a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of thirty for an elementary school pupil or of twenty for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one;

(b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of thirty for an elementary school pupil or of twenty for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one. R.S.O. 1970, c. 424, s. 3; 1971, c. 90, s. 10 (3, 4).

Fees for
trainable
retarded
children

(6) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsections 5 and 9 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten. 1971, c. 90, s. 10 (5); 1972, c. 77, s. 32 (2).

(7) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled. R.S.O. 1970, c. 424, s. 72 (4). Fees payable by individuals

(8) Notwithstanding subsection 7, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled. Pupil whose parent not Ontario resident

(9) Notwithstanding clause *b* of subsection 5, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of thirty for an elementary school pupil or of twenty for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one. 1972, c. 77, s. 32 (3). Idem

(10) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term. R.S.O. 1970, c. 424, s. 72 (5). When fees payable by boards

212.—(1) Where, in any year, provision is made by regulation for a grant to a board for the purpose, in such year, Reduction of requisition or rates

of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

- (a) a municipality or part thereof; or
- (b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality. R.S.O. 1970, c. 424, s. 73 (1).

Adjustment
of rates
where under-
or over-levy

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

- (a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality under Part III for public and secondary school purposes or under Part IV for separate school purposes;

differs from

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of this Act after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

(3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof. 1971, c. 90, s. 11.

(4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972. 1972, c. 77, s. 33.

213. In sections 214, 215 and 216,

Interpre-
tation

(a) "commercial assessment" means,

- (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
- (ii) business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses i and iii of clause a, according to the last revised assessment roll. R.S.O. 1970, c. 424, s. 74.

214. The clerk of a municipality shall in each year furnish to each school board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be

Data
furnished
by the
municipality

levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board. R.S.O. 1970, c. 424, s. 75 (1).

Determina-
tion of rates

215.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner:

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the amount estimated by the board to be raised by levy on the assessment according to the last revised assessment roll for the municipality or territory without municipal organization by 1,000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

Who to
determine
rates

(2) Subject to subsection 3, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality.

Idem

(3) A separate school board shall determine the rates to be levied for separate school purposes, and a public or secondary school board shall determine the public or secondary school rates to be levied in respect of territory without municipal organization that is within its area of jurisdiction. R.S.O. 1970, c. 424, s. 78, *amended*.

Assessments
for school
purposes

216. The clerk of each municipality and each secretary of a board in territory without municipal organization, in addition to the particulars required under subsection 1 of section 17 of *The Assessment Act*, shall prepare the following particulars:

R.S.O. 1970.
c. 32

1. the commercial assessment for public school purposes;
2. the residential and farm assessment for public school purposes;
3. the commercial assessment for separate school purposes;

4. the residential and farm assessment for separate school purposes;
5. where two or more school jurisdictions, or parts thereof, are situated in the municipality, the school jurisdiction and the commercial assessment and residential and farm assessment in each such jurisdiction. R.S.O. 1970, c. 424, s. 80.

217. The council of every local municipality, every public school board that has jurisdiction only in territory without municipal organization, every divisional board that has jurisdiction in any territory without municipal organization that is deemed a district municipality in a school division, and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be. R.S.O. 1970, c. 424, s. 81.

218. In the event of a conflict between any provision in sections 213 to 217 and any provision in any other general or special Act, the provision in sections 213 to 217 prevails. R.S.O. 1970, c. 424, s. 82.

219. Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 3 of section 50, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. R.S.O. 1970, c. 425, s. 27 (6).

220.—(1) In this section and in section 221,

- (a) “trailer” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed;

- (b) "trailer camp" or "trailer park" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein. *New.*

Share of
licence fees
for trailers
to be paid
to boards

(2) Except as provided in subsection 3, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of a municipality shall pay,

- (a) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

Idem

(3) Where the occupant of a trailer has given to the clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and

- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school. R.S.O. 1970, c. 424, s. 100 (1, 2), *amended*.

(4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected. 1971, c. 90, s. 13.

Licence fees not part of annual rates

(5) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1970, c. 424, s. 100 (3).

Application to municipally operated camps

221.—(1) Except as provided in subsection 2, the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Trailer fee in public school section in unorganized territory

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the chief executive officer of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Trailer fee re separate school in unorganized territory

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. R.S.O. 1970, c. 424, s. 101 (1-3), *amended*.

Trailer fee in secondary school district in unorganized territory

(4) No person is required to pay a fee under this section until he has been notified in writing by the chief executive

Notice

officer of the board concerned or the tax collector that he is liable to pay such fee, and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

Content of
notice

(5) Every notice under this section shall make reference to this section and shall specify,

- (a) the amount of fees for which the person is liable on receipt of the notice;
- (b) the amount of the monthly fee to be paid thereafter;
- (c) the date by which payment is required to be made;
- (d) the place at which payment may be made; and
- (e) the fine provided under this section.

Offence

(6) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. R.S.O. 1970, c. 424, s. 101 (4-6).

School rate
where no
public
school in
municipality

222.—(1) Where, in a municipality, a person is entered on the collector's roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. R.S.O. 1970, c. 385, s. 49.

Reserve
account

(2) The moneys raised under subsection 1 shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve account.

R.S.O. 1970,
c. 470

Use of moneys
in account

(3) Subject to subsection 4, where, in a municipality referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the

municipal council shall pay over to the board such moneys as are held by the municipality under this section, and such moneys,

(a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and

(b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

(4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause b of subsection 3. 1972, c. 74, s. 12. Application in a school division

223.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality. Reserve fund for public school purposes, application in 1973

(2) Where an area municipality, as defined in *The Regional Municipality of Niagara Act*, holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities. Area municipalities in Niagara Region R.S.O. 1970, c. 406

(3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the clerk of such municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the Where part of municipality detached

rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part. 1972, c. 74, s. 13.

PART IX

TEACHERS

Contracts

Full-time
or part-time
teacher

224.—(1) A full-time or part-time teacher who is employed by a board and who is not an occasional teacher shall be employed as a permanent or a probationary teacher. *New.*

Memo-
randum of
contract

(2) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher. R.S.O. 1970, c. 424, s. 16 (1); 1971, c. 90, s. 2 (1).

Salary of
teacher

225.—(1) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the total number of school days for which he is employed in the school year bears to the total number of school days in the school year. 1973, c. 92, s. 7.

Payment for
absence due
to illness
or dental
condition

(2) Subject to subsection 3, a permanent, probationary or temporary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. R.S.O. 1970, c. 424, s. 16 (4).

Part-time
teacher

(3) A part-time teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness

certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the part-time teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

(4) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1970, c. 424, s. 16 (6, 7). Absence of teacher in quarantine

(5) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee, exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness. 1972, c. 77, s. 9. Absence by reason of being a juror or witness

(6) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary. Award of salary by way of penalty

(7) For the purposes of subsection 6, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by section 224, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1970, c. 424, s. 16 (10, 11). Failure of board to pay salary when no written agreement

226. A board shall not offer to a teacher, and no teacher shall accept, a contract as a probationary teacher for a period greater than, Probationary teacher

(a) two years where the teacher has less than three years' experience; and

(b) one year where the teacher has three or more years' experience,

as a teacher in an elementary or secondary school in Ontario before the commencement of the contract. R.S.O. 1970, c. 424, s. 1 (2), par. 22, *amended*.

Teachers to
be qualified

227.—(1) Except as otherwise provided in this Act, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1970, c. 424, s. 18 (1).

Certificates

(2) Subject to this Act, a certificate of qualification as a teacher may be awarded only to a person of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations. R.S.O. 1970, c. 424, s. 18 (2); 1972, c. 77, s. 10.

Idem

(3) All certificates of qualification are valid for such periods as the regulations prescribe. R.S.O. 1970, c. 424, s. 18 (3).

Termination
of contract
where
welfare of
school
involved

228. Notwithstanding the other provisions of this Part and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. R.S.O. 1970, c. 111, s. 10 (2).

Duties

Duties of
teacher,

229.—(1) It is the duty of a teacher,

teach

- (a) to teach diligently and faithfully the classes or subjects assigned to him by the principal;

learning

- (b) to encourage the pupils in the pursuit of learning;

religion
and morals

- (c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

- (d) to assist in developing co-operation and co-ordination^{co-operation} of effort among the members of the staff of the school;
- (e) to maintain, under the direction of the principal,^{discipline} proper order and discipline in his classroom and while on duty in the school and on the school ground;
- (f) in instruction and in all communications with the pupils in regard to discipline and the management^{language of instruction} of the school,
 - (i) to use the English language, except where it is impractical to do so by reason of the pupil not understanding English, and except in respect of instruction in a language other than English when such other language is being taught as one of the subjects in the course of study, or
 - (ii) to use the French language in schools or classes in which French is the language of instruction except where it is impractical to do so by reason of the pupil not understanding French, and except in respect of instruction in a language other than French when such other language is being taught as one of the subjects in the course of study;
- (g) to conduct his class in accordance with a timetable^{timetable} which shall be accessible to pupils and to the principal and supervisory officers;
- (h) to attend the educational conference that is approved^{educational conferences} by the appropriate supervisory officer under the regulations;
- (i) to participate in professional activity days^{professional activity days} as determined by the board under the regulations;
- (j) to notify such person as is designated by the board^{absence from school} if he is to be absent from school and the reason therefor;
- (k) to deliver the register, the school key and other^{school property} school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his employment has ceased; and

- textbooks (l) to use and permit to be used as a textbook in a class that he teaches in an elementary or a secondary school,
- (i) in a subject area for which textbooks are approved by the Minister, only textbooks that are approved by the Minister, and
- (ii) in all subject areas, only textbooks that are approved by the board. R.S.O. 1970, c. 424, s. 21 (1); 1972, c. 77, s. 13 (1); 1973, c. 92, s. 8 (1, 2), *amended*.
- Refusal to give up school property (2) A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board. 1972, c. 77, s. 12.
- Teachers, conferences (3) Teachers may organize themselves for the purpose of conducting professional development conferences and seminars. R.S.O. 1970, c. 424, s. 22, *amended*.
- Duties of principal, **230.** It is the duty of a principal of a school, in addition to his duties as a teacher,
- discipline (a) to maintain proper order and discipline in the school;
- co-operation (b) to develop co-operation and co-ordination of effort among the members of the staff of the school;
- register pupils and record attendance (c) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;
- pupil records (d) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school;
- timetable (e) to prepare a timetable, to conduct the school according to such timetable and the school calendar or calendars applicable thereto, to make the calendar or calendars and the timetable accessible to the pupils, teachers and supervisory officers and to assign classes and subjects to the teachers;
- examinations and reports (f) to hold, subject to the approval of the appropriate supervisory officer, such examinations as he considers

necessary for the promotion of pupils or for any other purpose and report as required by the board the progress of the pupil to his parent or guardian where the pupil is a minor and otherwise to the pupil;

- (g) subject to revision by the appropriate supervisory officer, to make at the end of each school term such promotions as he considers proper and issue to each pupil an official statement of standing; ^{promote pupils}
- (h) to ensure that all textbooks used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves textbooks, those approved by the Minister; ^{textbooks}
- (i) to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board; ^{reports}
- (j) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds; ^{care of pupils and property}
- (k) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, and of the unsanitary condition of any part of the school building or the school grounds; ^{report to M.O.H.}
- (l) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a legally qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed; and ^{pupils with communicable diseases} ^{R.S.O. 1970, c. 377}

visitor's
book

- (m) to maintain a visitor's book in the school when so determined by the board. R.S.O. 1970, c. 424, s. 21 (2); 1972, c. 77, s. 13 (2, 3); 1973, c. 92, s. 8 (3), *amended*.

Pupil Records

Interpre-
tation

231.—(1) In this section, except in subsection 12, "record" in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records
privileged

(2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

- (a) subject to subsections 3 and 5, is not available to any other person; and
- (b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil.

Right of
parent and
pupil

(3) A pupil, and his parent or guardian where the pupil is a minor, is entitled to examine the record of such pupil.

Idem

(4) Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, information recorded upon the record of the pupil is,

- (a) inaccurately recorded; or
- (b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record. 1972, c. 77, s. 14, *part*.

Reference
where
disagree-
ment

(5) Where the principal refuses to comply with a request under subsection 4, the pupil, parent or guardian who made the request may, in writing, require the principal to refer the

request to the appropriate supervisory officer who shall either require the principal to comply with the request or submit the record and the request to a person designated by the Minister, and such person shall hold a hearing at which the principal and the person who made the request are the parties to the proceedings, and the person so designated shall, after the hearing, decide the matter, and his decision is final and binding upon the parties to the proceedings. 1973, c. 92, s. 9.

(6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of,
Use re further education or employment

(a) a report required by this Act or the regulations; or

(b) a report,

(i) for an educational institution or for the pupil or former pupil, in respect of an application for further education, or

(ii) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he is an adult, or the parent or guardian of the pupil where the pupil is a minor.

(7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.
Information for Minister or board

(8) No action shall be brought against any person in respect of the content of a record.
No action re content

(9) Except where the record has been introduced in evidence as provided in this section, no person shall be required in any trial or other proceeding to give evidence in respect of the content of a record.
Testimony re content

(10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,
Secrecy re contents

(a) as may be required in the performance of his duties; or

(b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

- (c) with the written consent of the pupil where the pupil is an adult.

Interpre-
tation

(11) For the purposes of this section, “guardian” includes a person, society or corporation who or that has custody of a pupil.

Application
to former
records

(12) This section, except subsections 3, 4 and 5, applies *mutatis mutandis* to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972. 1972, c. 77, s. 14, *part*.

Use of record
in disci-
plinary cases

(13) Nothing in this section prevents the use of a record in respect of a pupil by the principal of the school attended by the pupil or the board that operates the school for the purposes of a disciplinary proceeding instituted by the principal in respect of conduct for which the pupil is responsible to the principal. *New*.

Boards of Reference

Interpre-
tation

232. In sections 233 to 242,

- (a) “contract” means a contract of employment between a teacher and a board;
- (b) “employed” means engaged as a permanent teacher by a board;
- (c) “judge” means a judge of a county or district court;
- (d) “teacher” means a person qualified to teach in an elementary or secondary school and employed by a board on the terms and conditions contained in the form of contract prescribed for a permanent teacher. R.S.O. 1970, c. 424, s. 23, *amended*.

Termination
of employ-
ment by
school board

233.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract.

Termination
of employ-
ment by
teacher

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract.

Application
for board

(3) Where a teacher is dismissed or the engagement of a teacher is terminated by the board or the teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice

referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1970, c. 424, s. 24. ^{Service of notice}

234.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, ^{Appointment in place of teacher dismissal}

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 233;
- (b) the board has received from the teacher notice in writing that no application will be made under section 233;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 233 has been withdrawn;
- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 233;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 4 of section 235; or
- (f) the board has received from the Minister a copy of the direction of the Board of Reference under section 238 directing the discontinuance of the contract,

whichever first occurs.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until, ^{Contract after termination of engagement of teacher}

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 233 has been withdrawn;

- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 233;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 4 of section 235; or
- (d) the teacher has received from the Minister a copy of the direction of the Board of Reference under section 238 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1970, c. 424, s. 25.

Application
for Board of
Reference

235.—(1) Upon receipt of an application for a Board of Reference, the Minister shall cause notice of the application to be sent by registered mail to the other party to the disagreement and shall within thirty days of sending the notice inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and appoint a judge to act as chairman thereof. R.S.O. 1970, c. 424, s. 26 (1).

Appointment

(2) Where, under subsection 1, a judge is appointed after the expiry of thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the appointment within the thirty-day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1. 1971, c. 90, s. 4.

Security for
costs

(3) Before appointing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he considers advisable.

Naming of
representa-
tives

(4) Upon appointing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send or cause to be sent by hand or by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister.

(5) If the applicant fails to comply with the requirements of subsection 4, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement. Failure to name representatives

(6) If the respondent fails to comply with the requirements of subsection 4, the Minister shall direct the continuance of the contract. Idem

(7) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. R.S.O. 1970, c. 424, s. 26 (3-6). Failure of representatives to appear

(8) Where the Minister grants a Board of Reference, the applicant shall be deemed to have met the conditions precedent to the granting of a Board of Reference. *New.* Applicant deemed eligible

(9) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman. 1972, c. 160, s. 1. Death or withdrawal of representative

(10) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall appoint another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 236 the date of appointment of the chairman is the date of appointment of the chairman appointed to act under this section. Death, etc., of chairman before hearing

(11) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties, New Board of Reference after hearing commences

(a) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman, or is prohibited from acting; or

(b) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and, where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause *a* or *b*, the person who applied for the Board of Reference requests the Minister in

writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply *mutatis mutandis* except that the representatives named to the new Board of Reference shall not be the representatives named to the Board of Reference terminated under this subsection and the determination and direction of the costs under section 241 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure at
new Board
of Reference

(12) Where a new Board of Reference is granted under subsection 11, the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection 11 had not commenced. 1972, c. 160, s. 2.

Place and
time of
hearing

236. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1970, c. 424, s. 27.

Duty to
inquire and
powers of
judge
1971, c. 49

237. The Board of Reference shall inquire into the matter in dispute and for such purposes the chairman has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 424, s. 28 (1), *amended*.

Direction of
Board of
Reference
to report

238.—(1) A Board of Reference shall direct the continuance of the contract or the discontinuance of the contract. 1972, c. 160, s. 4, *part*.

Chairman of
Board of
Reference
to report

(2) The chairman of a Board of Reference shall, within seven days after,

- (a) the application for the Board of Reference is withdrawn; or
- (b) the matter in dispute has been settled by the parties to the Board of Reference; or
- (c) the completion of the hearing and the receipt of any written submissions required by him,

report to the Minister and the parties the disposition of the application. 1972, c. 160, s. 4, *part, amended*.

New Board
of Reference
provided

239. Where the report or the direction of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new

Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report or direction, and the provisions of sections 232 to 242 apply *mutatis mutandis* in respect of the new Board of Reference. 1972, c. 77, s. 15.

240.—(1) The direction of the Board of Reference under section 238 is binding upon the board and the teacher. R.S.O. 1970, c. 424, s. 30 (1). Direction of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 238, the Minister may direct that any portion of the amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction. R.S.O. 1970, c. 424, s. 30 (2); 1972, c. 77, s. 16. Failure to comply with direction of Board

(3) If a teacher fails to comply with the direction of the Board of Reference under section 238, the Minister may suspend the certificate of qualification of the teacher for such period as he considers advisable. R.S.O. 1970, c. 424, s. 30 (3). Idem

241. Subject to the regulations made under section 242, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1970, c. 424, s. 31. Payment of costs

242. The Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the remuneration of members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 233 to 241. R.S.O. 1970, c. 424, s. 32.

PART X

SUPERVISORY OFFICERS

243. Every supervisory officer appointed under this Part shall hold the qualifications required by the regulations for a supervisory officer. R.S.O. 1970, c. 424, s. 67, *part*. Qualifications of supervisory officers

Director of
education

244. A board of education that had an enrolment in its public and secondary schools of 2,000 or more on the 30th day of September of any year and does not have a director of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer. R.S.O. 1970, c. 425, s. 44 (2); 1972, c. 75, s. 15 (2).

Idem

245. A separate school board that had an enrolment in its schools of 2,000 or more on the 30th day of September of any year and does not have a director of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer. R.S.O. 1970, c. 430, s. 93 (2); 1972, c. 76, s. 32 (2).

Supervisory
officers

246. A board of education having an enrolment in its public and secondary schools of fewer than 2,000 and a county or district combined separate school board having an enrolment in its schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. R.S.O. 1970, c. 425, s. 44 (3); R.S.O. 1970, c. 430, s. 93 (3).

Chief
education
officer and
chief
executive
officer

247. A director of education is the chief education officer and the chief executive officer of the board by which he is employed. R.S.O. 1970, c. 424, s. 68 (3).

Supervisory
officers

248.—(1) Every board that is required to appoint a director of education shall employ such supervisory officers as it considers necessary to supervise adequately all aspects of the programs under its jurisdiction.

Idem

(2) A board other than a board referred to in subsection 1 may, with the approval of the Minister, appoint one or more supervisory officers. R.S.O. 1970, c. 424, s. 67, *part*.

Appointment
of super-
visory
officers

249.—(1) Where a board appoints one or more supervisory officers, the board,

- (a) shall designate the title and area of responsibility of each such officer;
- (b) shall appoint an English-speaking supervisory officer for schools and classes where English is the language of instruction, and a French-speaking supervisory officer for schools and classes where French is the language of instruction, or shall arrange with another board or with the Minister for the services of an

English-speaking supervisory officer or a French-speaking supervisory officer where such officer is not appointed by the board; and

- (c) may assign to a supervisory officer such administrative duties, in addition to those prescribed in the regulations, as the board considers expedient.

(2) The appointment of a supervisory officer is not effective until approved by the Minister. R.S.O. 1970, c. 424, s. 68 (1, 2), *amended*. Approval of Minister

(3) The provisions of any Act respecting school inspectors apply to supervisory officers. *New*. Application

250.—(1) Subject to the regulations, it is the duty of a supervisory officer, Duties of supervisory officers:

- (a) to bring about improvement in the quality of education by assisting teachers in their practice; assist teachers
- (b) to assist and co-operate with school boards to the end that the schools may best serve the needs of the pupils; co-operate with boards
- (c) to visit schools and classrooms as the Minister may direct and, where the supervisory officer has been appointed by a board, as the board may direct; visit schools
- (d) to prepare a report of a visit to a school or classroom when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board; prepare reports
- (e) to ensure that the schools under his jurisdiction are conducted in accordance with this Act and the regulations; Acts and regulations
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his area of jurisdiction when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board; annual report to Minister
- (g) to report to the appropriate medical officer of health any case in which the school buildings or premises are found to be in an unsanitary condition; report to M.O.H.
- (h) to furnish the Minister with information respecting any school in his area of jurisdiction whenever required to do so. R.S.O. 1970, c. 424, s. 70 (1); 1971, c. 90, s. 8, *amended*. report to the Minister

Responsi-
bility to
Minister

(2) Every supervisory officer is responsible to the Minister for the performance of his duties under subsection 1.

Responsi-
bility to
board

(3) Every supervisory officer appointed by a board is responsible to the board through the chief executive officer for the performance of the duties delegated to him by the board. R.S.O. 1970, c. 424, s. 70 (2, 3).

Full-time
position

(4) A supervisory officer shall not hold any other office or have any other employment and may not follow any other profession or calling during his tenure as a supervisory officer without the approval of the Minister.

Salaries of
supervisory
officers
appointed
by board

(5) The salary and travelling and other expenses of a supervisory officer appointed by a board shall be fixed by the board and are payable by the board. R.S.O. 1970, c. 424, s. 69 (6, 7).

Suspension of
supervisory
officer by
board

251.—(1) A supervisory officer appointed by a board may be suspended by the board for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the person from office and the decision of the Minister is final.

Direction as
to payment
or forfeiture
of salary

(2) The Minister may give such direction as to the payment or forfeiture of the salary of the supervisory officer for the period of suspension, as he considers just.

Supervisory
officer
removed not
to be
employed

(3) No person who has been removed from office as a supervisory officer by the Minister shall be appointed or act as a supervisory officer. R.S.O. 1970, c. 424, s. 69 (2-4).

PART XI

FRENCH LANGUAGE INSTRUCTION

Elementary

French-
language
elementary
schools
and classes

252.—(1) A board of education, public school board or separate school board may establish and maintain elementary schools or classes in elementary schools, including kindergarten classes, for the purpose of providing for the use of the French language in instruction.

French-
language
classes

(2) Where, after the first school day in September and on or before the 1st day of April in any year, written evidence is presented to a board referred to in subsection 1 that a

number of French-speaking pupils resident in the school section or separate school zone have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty-five or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day of the following year.

(3) Where the evidence referred to in subsection 2 is presented ^{Idem} to the board after the 1st day of April and before the first school day in September in any year, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty-five or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

(4) Where a board referred to in subsection 1 provides ^{French-language schools} or is required to provide for the use of the French language in instruction and in the opinion of the board the number of pupils who elect to be taught in the French language so warrants, the board shall provide a French-language elementary school.

(5) Notwithstanding subsections 1, 2, 3 and 4, English may ^{English as subject of instruction} be a subject of instruction in any grade and shall be a subject of instruction in Grade 5 and all subsequent grades in an elementary school.

(6) A board, on the request of the parent or guardian of an ^{Admission of pupils other than French-speaking pupils} English-speaking pupil of the board, or of the pupil where he is an adult, may admit the pupil to a class formed under subsection 1, 2 or 3 or to a school provided under subsection 4 if his admission is approved by majority vote of an admissions committee appointed by the board, and composed of the principal of the school to which admission is requested, a teacher who uses the French language in instruction in such school and, subject to subsection 7, a French-speaking supervisory officer employed by the board.

(7) Where a board does not employ a French-speaking ^{Where board has no French-speaking supervisory officer} supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.

English-language schools or classes

(8) Where a board has provided one or more French-language elementary schools under subsection 4 and a number of pupils of the board elect to be taught in the English language, subsections 1, 2 and 3 apply *mutatis mutandis* in respect of provision for the use of the English language in instruction. 1973, c. 92, s. 12, *part*.

Duties and responsibilities of advisory committee in public schools

253. Where a board of education has established a French-language advisory committee under section 256, or an English-language advisory committee under section 266, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the public schools operated by the board of education as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes. 1973, c. 92, s. 12, *part*.

Secondary

Interpretation

254. In this Part,

- (a) "board" means a board of education;
- (b) "committee" means a French-language advisory committee formed under section 256;
- (c) "French-language instructional unit" means a class, group of classes, or school in which French is the language of instruction;
- (d) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1973, c. 91, s. 5, *part*.

French-language schools or classes

255.—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for the admission of resident pupils of the first-mentioned board to one or more French-language instructional units operated by such other board.

French-language schools

(2) Where, after the first school day in September and on or before the 1st day of April in any year, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty

or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year.

(3) Where the evidence referred to in subsection 2 is presented Idem to the board after the 1st day of April and before the first school day in September in any year, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

(4) Where a board provides or is required to provide for the use of the French language in instruction in one or more French-language secondary schools classes in a secondary school and in the opinion of the board the number of French-speaking pupils who elect to be taught in the French language so warrants, the board shall provide an appropriate unit of a secondary school or, where practicable, a French-language secondary school.

(5) Where a board determines that the number of French-speaking pupils who elect to be taught in the French language Agreement with another board is not sufficient to justify the establishment of a French-language secondary school, the board shall, in respect of the education of such pupils, consider the possibility of entering into an agreement with another board under section 156 or 161. 1973, c. 91, s. 5, *part.*

256.—(1) Where,

Establishment of committee

- (a) ten or more French-speaking ratepayers of a secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or
- (b) a board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, by resolution, establish a committee and provide for the holding of elections of members thereof, and such elections shall, subject to subsection 6, be held within such period.

Composition (2) The committee shall consist of nine members and shall be composed of,

(a) three members of the board appointed by the board; and

(b) six French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by French-speaking ratepayers of the secondary school district.

Member of elementary board (3) A member of the committee under clause *b* of subsection 2 may be a member of an elementary school board.

Term of office (4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

Apportionment of members (5) The board, subject to subsection 8, shall apportion the number of members under clause *b* of subsection 2 among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking pupils who elect to be taught in the French language from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

Meetings of French-speaking ratepayers to elect committee members (6) The board shall make provision for a meeting of its French-speaking ratepayers in respect of each area to which one or more members are apportioned under subsection 5 for the purpose of electing such member or members to the committee, and shall advertise in each of its schools and in the public media serving the local population, the place, date and time of the meeting, and take such additional action to publicize the meeting as it considers expedient.

Idem (7) Where the election of members of a committee under subsection 1 would otherwise be held within three months before the date of the regular election of members of the board, the election required under subsection 1 shall be held in accordance with section 257.

Consultation with committee re apportionment (8) For the purpose of the second and subsequent elections of members to a committee, the board shall consult with the committee before making the apportionment referred to in subsection 5 and shall make such apportionment on or before the 1st day of December in the year of a regular election of the board.

(9) Where a French-language committee has been established by a board before this section comes into force and the members thereof have not been appointed or elected in accordance with this section, the board shall establish a committee in accordance with this section, and elections of members of the committee shall be held before the 31st day of October, 1973, and the French-language committee established before this section comes into force is dissolved as of the date upon which such election is completed. 1973, c. 91, s. 5, *part*, *amended*.

257. Where a committee has been established and a new board has been elected, a meeting provided under subsection 6 of section 256 to elect a member or members to the committee shall be held on or before the second Wednesday following the first meeting of the newly-elected board commencing at 8 o'clock in the afternoon on such date and at such place as the board may determine, and such meeting may also consider any other matters brought before it, and the provisions of subsection 6 of section 256 respecting the publicizing of the meeting apply. 1973, c. 91, s. 5, *part*.

258.—(1) The secretary of the board or a person appointed by the board shall call to order each meeting of French-speaking ratepayers under sections 256 and 257 and shall preside thereat for the purpose of electing a chairman of the meeting.

(2) The chairman of a meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman.

(3) The chairman of a meeting shall conduct the election of the member or members of the committee to be elected at such meeting and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion and, in the case of an equality of votes with respect to the election of a member of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected and a motion on which there is an equality of votes is lost.

(4) Notice in writing shall be given by the secretary of a meeting to the secretary of the board designating by their names and addresses the person or persons elected as members of the committee. 1973, c. 91, s. 5, *part*.

259.—(1) At the first meeting of the committee, the members shall elect from among themselves a chairman and a vice-chairman.

- Quorum** (2) A majority of the members of the committee constitutes a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.
- Vote of chairman, equality of votes** (3) On every motion, the chairman may vote, and a motion on which there is an equality of votes is lost.
- Special meeting** (4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting. 1973, c. 91, s. 5, *part*.
- Vacancies** **260.** Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant. 1973, c. 91, s. 5, *part*.
- Recommendations** **261.**—(1) A committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,
- (a) the provision of suitable sites, accommodation and equipment;
 - (b) the establishment, operation and management of French-language instructional units;
 - (c) the use of the French language and of the English language in French-language instructional units;
 - (d) the recruitment and appointment of the required teaching, supervisory and administrative personnel;
 - (e) the establishment of the course of study and the use of textbooks;
 - (f) the development and establishment of special education programs;
 - (g) the establishment of attendance areas for French-language instructional units;
 - (h) the provision of transportation for pupils;

- (i) the entering into agreements with other boards in respect of the provision of instruction in the French language and supervisory and consultative services;
- (j) the provision of board, lodging, and transportation for pupils;
- (k) the development and establishment of adult education programs;
- (l) the use of any facility and means necessary to meet the educational and cultural needs of the French-speaking community;
- (m) the provision of summer school programs; and
- (n) any other matter pertaining to French-language education for French-speaking pupils.

(2) The committee shall report at each regular meeting of the board. Committee report to board

(3) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of French-language instructional units before any final decision regarding such matters is taken by the board and shall provide adequate accommodation and staff to implement the decision of the board. Board to seek advice of committee

(4) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal. Consideration of recommendations by board

(5) Upon receipt of a refusal and the reasons therefor under subsection 4, the committee may, by motion, refer the matter to the Languages of Instruction Commission of Ontario, in which case it shall send to the Commission and to the board copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal. 1973, c. 91, s. 5, *part*. Referral by committee to Languages of Instruction Commission

262.—(1) The chairman of the committee or a member of the committee designated by him may attend any meeting of a committee of the board and shall be given the opportunity Attendance of committee chairman at board committee meeting

to be heard at such meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of such committee of the board.

Distribution
of administra-
tive
materials

(2) Notices, agendas and minutes in respect of meetings of the board shall be distributed to members of the committee together with such supporting documents as may be agreed upon by the board and the committee.

Formation
of sub-
committees

(3) The committee may, at its discretion, form sub-committees to assist it in its work.

Committee
may hold
public
meetings

(4) The committee may hold such public meetings to report upon its work as it considers necessary or desirable. 1973, c. 91, s. 5, *part*.

Resources
and services
to be provided
by board

263.—(1) The board shall make available to the committee the resources and services provided for a committee of the board.

Annual
report of
committee

(2) The chairman of the committee shall cause to be prepared in French and English an annual report, and the report shall be included in that of the board where the board publishes a report.

Services of
professional
staff to be
provided

(3) The committee may, through the chief executive officer of the board, obtain the advice and assistance of such supervisory officers and teachers employed by the board as the committee may request. 1973, c. 91, s. 5, *part*.

Allowance

264.—(1) Each member of the committee who is not a member of the board shall receive an allowance in accordance with subsection 1 of section 164, except that the maximum allowance shall be based upon the enrolment in French-language instructional units and subsection 5 of the said section 164 applies *mutatis mutandis* to such member.

Attendance
at meetings
and
conferences

(2) The board may authorize a member of the committee to attend on the same basis as a member of the board such conferences and meetings as the board considers necessary or desirable for the effective functioning of the committee, and subsections 3 and 4 of section 164 apply *mutatis mutandis* to a member of the committee.

Provincial
association
membership
fee

(3) The board shall, on behalf of the members of the committee, pay all or part of a fee required for membership in a provincial association of French-language committees where the committee desires such membership. 1973, c. 91, s. 5, *part*.

265. Notwithstanding any other provision in this Part English or Anglais shall be an obligatory subject of instruction for every pupil of grades 9 to 12 who is enrolled in a French-language school and shall be a required subject for a certificate or diploma issued to such a pupil. 1973, c. 91, s. 5, *part.*

266.—(1) Where a board has provided one or more French-language secondary schools and a number of pupils of the board elect to be taught in the English language, section 255 applies *mutatis mutandis* in respect of provision for the use of the English language in instruction.

(2) Where the number of English-speaking pupils of a board is fewer than the number of pupils of the board for whom French is the language of instruction and,

- (a) ten or more English-speaking ratepayers of the secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the English language is or is to be used in instruction; or
- (b) the board establishes or extends or decides to establish or extend a class, group or program in which the English language is or is to be used in instruction,

the board shall establish an English-language advisory committee, and the provisions of sections 254 to 267 that apply to a committee in respect of the French-speaking ratepayers, pupils and community and in respect of French-language instructional units apply *mutatis mutandis* to an English-language advisory committee in respect of the English-speaking ratepayers, pupils and community and in respect of schools or classes in which English is the language of instruction. 1973, c. 91, s. 5, *part.*

267.—(1) A board, on the request of an English-speaking pupil of the board or, where the pupil is a minor, of his parent or guardian, may admit the pupil to a French-language instructional unit if his admission is approved by a majority vote of an admissions committee appointed by the board and composed of the principal of the school in which the French-language instructional unit is operated, a French-language teacher of such school and, subject to subsection 2, a French-speaking supervisory officer employed by the board.

(2) Where the board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the

Minister to serve as a member of the admissions committee.
1973, c. 91, s. 5, *part*.

Languages of Instruction Commission of Ontario

Interpre-
tation

268. In this Part,

- (a) "Commission" means the Languages of Instruction Commission of Ontario established under this Part;
- (b) "committee" means a French-language advisory committee or an English-language advisory committee established under section 256;
- (c) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1973, c. 92, s. 18, *part*.

Establish-
ment of
Commission

269.—(1) A commission to be known as the Languages of Instruction Commission of Ontario is hereby established and shall be composed of five members appointed by the Lieutenant Governor in Council at least two of whom shall be French-speaking and at least two of whom shall be English-speaking, and one of the members shall be appointed as chairman.

Term,
reappoint-
ment and
remunera-
tion

(2) Members of the Commission shall hold office for a term of three years, may be reappointed, and shall be paid such remuneration as may be determined by the Lieutenant Governor in Council.

Vacancies

(3) Where a vacancy occurs in the membership of the Commission, the vacancy may be filled for the unexpired portion of the term of the person whose office has become vacant.

Commission
is responsi-
ble to the
Minister

(4) The Commission is responsible to the Minister for its operation and shall be assisted by such employees in the public service of Ontario as the Minister may assign for the purpose.

Quorum

(5) A quorum consists of three members of whom at least one shall be French-speaking and one English-speaking.

Recom-
mendation

(6) A recommendation of the Commission requires the approval of at least a majority of the members of the Commission.

Duties of
Commission

(7) The Commission shall consider matters referred to it by committees and requests for advice and assistance on questions in respect of which a committee may make recommendations,

from boards and committees, and where there is no committee, from a group of ratepayers of the board concerned determined by the Commission to be representative of the French-speaking or English-speaking minority, as the case may be, within the jurisdiction of the board.

(8) A group referred to in subsection 7 shall name one of its members as its spokesman. Spokesman

(9) The Minister may refer to the Commission any matter relating to instruction in the French language or, where the pupils of a board who receive instruction in the English language are a minority of the pupils of a board, any matter relating to instruction in the English language. Referral to Commission by Minister

(10) Where, within the area of jurisdiction of a board, there is doubt as to whether the French-speaking or English-speaking pupils are in the minority, the Commission has the power to determine whether there shall be a French-language advisory committee or an English-language advisory committee, or both, and the board shall establish such committee or committees as the Commission determines. Determination by Commission re establishment of advisory committee

(11) Where, within thirty days of the election of a committee, the board or the committee requests the Commission to investigate an alleged irregularity respecting the election of a member of the committee, the Commission shall investigate such election and give the member an opportunity to make representation to the Commission and shall declare the member to be elected or declare his seat vacant and shall send a copy of its decision and reasons therefor to the board or committee and to the member. Investigation of irregularity

(12) When a matter is referred to the Commission, the board concerned shall defer action thereon until the matter has been resolved. Deferral of action by board

(13) When a matter is referred to the Commission it shall, Commission shall request mediation or reject referral

(a) forthwith appoint one or more mediators where it considers that the furtherance of such matter may be conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community; or

(b) except where a matter is referred by the Minister, take no further action where it considers that the furtherance of such matter is not conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community.

Where
referral
rejected

(14) Where the Commission takes no further action on a referral it shall forthwith send notice in writing of its decision and of the reasons therefor to the board, the Minister and either the committee or the spokesman referred to in subsection 8.

Notice of
appointment
of mediator

(15) Where the Commission makes an appointment under subsection 13 it shall communicate the name and address of each mediator to,

- (a) the Minister;
- (b) the secretary of the board; and
- (c) the chairman of the committee,

and where a committee has not been established by a board, to the spokesman of the group referred to in subsection 8. 1973, c. 92, s. 18, *part, amended*.

Remunera-
tion

270.—(1) Mediators shall be paid such remuneration as the Lieutenant Governor in Council may determine.

Who not
eligible
as mediator

(2) A mediator shall not be a member of the Commission.

Duties of
mediator

(3) The mediator or mediators shall, after inquiring into the matter referred for mediation and conferring with the parties involved, endeavour to bring about an agreement and shall, within twenty-one days of being appointed, report to the Commission the agreement that has been reached, or the failure to bring about agreement.

Extension of
period of
mediation

(4) The period referred to in subsection 3 may be extended by the Minister or by agreement of the parties to the mediation. 1973, c. 92, s. 18, *part, amended*.

Duties of
Commission

271.—(1) Where the report of the mediator or mediators to the Commission indicates failure to bring about an agreement, the Commission shall consider and inquire into all pertinent aspects of the matter referred to mediation and shall, within twenty-one days of its receipt of the report, recommend to the board in writing a course of action that it considers appropriate to settle the matter and shall send copies of its recommendation to the Minister, the committee and the spokesman referred to in subsection 8 of section 269.

Report of
board to
Minister

(2) Within thirty days of its receipt of a copy of the recommendation of the Commission, the board shall report in writing to the Minister its decision in respect of the recom-

mendation of the Commission and shall forward copies of the decision to the Commission and to the committee or spokesman of the group, as the case may be. 1973, c. 92, s. 18, *part*.

272. The expenditures necessary for the purposes of the Commission and the mediators under sections 268 to 271 shall be payable until the 31st day of March, 1974, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature. 1973, c. 92, s. 18, *part*.

273. The following are repealed:

Repeals

1. *The Ministry of Education Act*. R.S.O. 1970, c. 111
2. *The Ministry of Education Amendment Act, 1971*. 1971, c. 89
3. Section 61 of *The Government Reorganization Act, 1972*. 1972, c. 1, s. 61
4. *The Ministry of Education Amendment Act, 1972*. 1972, c. 73
5. *The Ministry of Education Amendment Act, 1973*. 1973, c. 44
6. *The Public Schools Act*. R.S.O. 1970, c. 385
7. *The Public Schools Amendment Act, 1971*. 1971, c. 69
8. Paragraph 27 of the Schedule to *The Age of Majority and Accountability Act, 1971*. 1971, c. 98, Sched., par. 27
9. *The Public Schools Amendment Act, 1972*. 1972, c. 74
10. *The Public Schools Amendment Act, 1973*. 1973, c. 37
11. *The Schools Administration Act*. R.S.O. 1970, c. 424
12. *The Schools Administration Amendment Act, 1971*. 1971, c. 90
13. Section 62 of *The Government Reorganization Act, 1972*. 1972, c. 1, s. 62
14. *The Schools Administration Amendment Act, 1972*. 1972, c. 77
15. *The Schools Administration Amendment Act, 1972* (No. 2). 1972, c. 160
16. *The Schools Administration Amendment Act, 1973*. 1973, c. 92
17. *The Schools Administration Amendment Act, 1973* (No. 2). 1973, c. 118

- | | |
|---------------------------------|--|
| R.S.O. 1970,
c. 425 | 18. <i>The Secondary Schools and Boards of Education Act.</i> |
| 1971, c. 68 | 19. <i>The Secondary Schools and Boards of Education Amendment Act, 1971.</i> |
| 1971, c. 98,
Sched., par. 29 | 20. Paragraph 29 of the Schedule to <i>The Age of Majority and Accountability Act, 1971.</i> |
| 1972,
c. 1, s. 63 | 21. Section 63 of <i>The Government Reorganization Act, 1972.</i> |
| 1972, c. 75 | 22. <i>The Secondary Schools and Boards of Education Amendment Act, 1972.</i> |
| 1972, c. 136 | 23. <i>The Secondary Schools and Boards of Education Amendment Act, 1972 (No. 2).</i> |
| 1973, c. 91 | 24. <i>The Secondary Schools and Boards of Education Amendment Act, 1973.</i> |
| R.S.O. 1970,
c. 430 | 25. <i>The Separate Schools Act.</i> |
| 1971, c. 70 | 26. <i>The Separate Schools Amendment Act, 1971.</i> |
| 1971, c. 98,
Sched., par. 31 | 27. Paragraph 31 of the Schedule to <i>The Age of Majority and Accountability Act, 1971.</i> |
| 1972,
c. 1, s. 64 | 28. Section 64 of <i>The Government Reorganization Act, 1972.</i> |
| 1972, c. 76 | 29. <i>The Separate Schools Amendment Act, 1972.</i> |
| 1972, c. 137 | 30. <i>The Separate Schools Amendment Act, 1972 (No. 2).</i> |
| 1973, c. 117 | 31. <i>The Separate Schools Amendment Act, 1973.</i> |
| Commence-
ment | 274. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. |
| Short title | 275. This Act may be cited as <i>The Education Act, 1973.</i> |

The Education Act, 1973

1st Reading

November 30th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(*Government Bill*)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Hospitals Act

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTE

Section 48 (1) of the Act is re-enacted for the purpose of clarification.

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 48 of *The Public Hospitals Act*, being ^{s. 48 (1), re-enacted} chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is repealed and the following substituted therefor:

(1) Any,

Reasons and
appeal

- (a) applicant for appointment or reappointment to the medical staff of a hospital who was a party to a proceeding before the board and who considers himself aggrieved by a decision of the board not to appoint or not to reappoint him to the medical staff; or
- (b) member of the medical staff of a hospital who considers himself aggrieved by any decision revoking or suspending his appointment to the medical staff or under section 41 or the by-laws cancelling, suspending or substantially altering his hospital privileges,

is entitled to,

- (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the applicant or member of a notice of the decision; and
- (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the applicant or member of the written reasons for the decision.

Commence-
ment

2. This Act shall be deemed to have come into force on the 23rd day of June, 1972.

Short title

3. This Act may be cited as *The Public Hospitals Amendment Act, 1973*.

An Act to amend
The Public Hospitals Act

1st Reading

November 29th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

GAZON
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-B 56

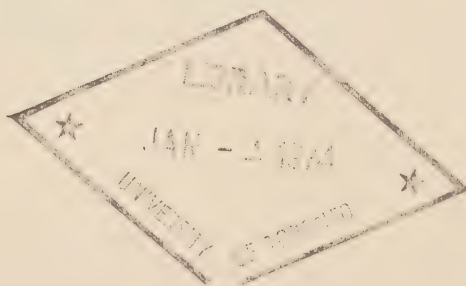
BILL 256

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Hospitals Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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Reasons and
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- (b) member of the medical staff of a hospital who considers himself aggrieved by any decision revoking or suspending his appointment to the medical staff or under section 41 or the by-laws cancelling, suspending or substantially altering his hospital privileges,

is entitled to,

- (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the applicant or member of a notice of the decision; and
- (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the applicant or member of the written reasons for the decision.

Commence-
ment

2. This Act shall be deemed to have come into force on the 23rd day of June, 1972.

Short title

3. This Act may be cited as *The Public Hospitals Amendment Act, 1973*.

An Act to amend
The Public Hospitals Act

1st Reading

November 29th, 1973

2nd Reading

December 5th, 1973

3rd Reading

December 5th, 1973

THE HON. R. T. POTTER
Minister of Health

CAZON *Assembly*
XB
-B 56

Government
Publications

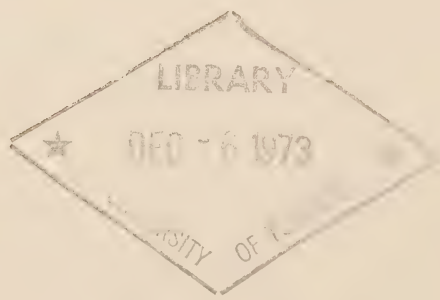
BILL 257

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Employment Standards Act

MR. LEWIS



EXPLANATORY NOTE

The purpose of the Bill is to relieve the hardship caused where persons are temporarily or permanently laid off work as a result of a stop order being served on their employer.

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 3 of section 13 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 13 (3) (d),
re-enacted

(*d*) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance, other than a stop order issued by reason of environmental protection, health safety or for any other reason by virtue of authority under or contained in any statute of Ontario.

- (2) Subsection 3 of the said section 13 is amended by adding thereto the following clause: s. 13 (3),
amended

(*f*) a person referred to in subsection 3*a*.

- (3) The said section 13 is amended by adding thereto the following subsection: s. 13,
amended

(3*a*) Where an employer is issued with a stop order by reason of environmental protection, health safety, or for any other reason by virtue of authority contained in any statute of Ontario, and where the stop order results in the termination of employment of an employee or employees temporary or otherwise, the employer shall pay to each employee affected by the stop order an amount equal to the wages to which such employee would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of sixteen weeks, or until such time as the stop order is lifted, whichever is the lesser. Wages to be
paid where
stop order
issued

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Employment Standards Amendment Act, 1973*.

An Act to amend
The Employment Standards Act

1st Reading

November 29th, 1973

2nd Reading

3rd Reading

MR. LEWIS

(*Private Member's Bill*)

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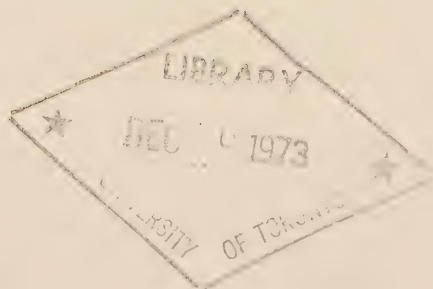
BILL 258

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Gift Tax Act, 1972

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

This Bill makes certain changes agreed on by all of the provinces that have imposed a uniform Gift Tax Act under which tax is being collected by the Government of Canada. In addition, the Bill introduces into the Act an exemption for gifts of farming assets made by farmers or their spouses in Ontario.

SECTION 1.—Subsection 1. The change from “and” to “or” corrects an ambiguity in the Act.

Subsection 2. The definition of “municipality” is expanded to make it clear that it covers regional, district and metropolitan municipalities.

SECTION 2.—Subsection 1. This amendment ensures that a gift made by a donor to take effect only on his death will only be exempt where the donor has retained the income of the property for his lifetime.

Subsections 2 and 3. This amendment exempts from gift tax up to \$50,000 of farming assets given by a farmer or by his spouse to a person connected with them by blood relationship, adoption or marriage. The exemption is available to a donor only for gifts made by him in any one calendar year during his lifetime.

An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Gift Tax Act, 1972*, being chapter 12 of the Statutes of Ontario, 1972, is amended by striking out “and” in the ninth line and inserting in lieu thereof “or”. s. 1, par. 4,
subpar. i,
amended
- (2) Paragraph 16 of the said section 1 is amended by striking out “a corporation” in the first line and inserting in lieu thereof “the corporation of a district, metropolitan or regional municipality or”. s. 1, par. 16,
amended
- 2.—(1) Clause *b* of section 10 of the said Act is repealed and the following substituted therefor: s. 10 (b),
re-enacted
 - (b) a testamentary gift or a gift made by the donor during his lifetime under which,
 - (i) the donor is entitled to receive all the income from the donated property and from property substituted therefor and all income from the reinvestment of any income or gains therefrom that arise before his death, and
 - (ii) no person other than the donor is entitled, before the death of the donor, to possess for his own benefit or for the benefit of any other person other than the donor any of the donated property or any property substituted therefor, or receive or otherwise obtain the use of any of the income referred to in subclause i.
- (2) The said section 10 is amended by adding thereto the following clause: s. 10,
amended

(h) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of farming assets in Ontario given by a donor who is resident in Ontario and whose chief occupation is farming, or who is the spouse of an individual who is resident in Ontario and whose chief occupation is farming, to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption to be used by such person or persons, or by such person or persons together with the donor or the spouse of the donor, in farming in Ontario, but no gifts are exempt from tax by virtue of this clause,

(i) to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are made in the same year exceeds \$50,000, or

(ii) if the donor, at any time prior to the first day of January of the year in which any gift described in this clause of farming assets in Ontario is made, has made a gift the whole or any part of the value of which was exempt from tax by virtue of this clause.

s. 10.
amended

(3) The said section 10 is further amended by adding thereto the following subsection:

Interpre-
tation

R.S.O. 1970.
c. 449

(2) For the purpose of clause *h* of subsection 1, the expressions "farming" and "farming assets" have the meaning given to them in section 17*a* of *The Succession Duty Act*.

s. 11 (1).
amended

3. Subsection 1 of section 11 of the said Act is amended by striking out "taxable" in the fifteenth line.

s. 12 (b).
re-enacted

4. Clause *b* of section 12 of the said Act is repealed and the following substituted therefor:

(b) the total of all gift taxes paid on or in respect of that real property under the laws in force in the place in which the real property is situated.

Schedule II.
re-enacted

5. Schedule II to the said Act is repealed and the following substituted therefor:

SECTION 3. This amendment removes an inaccurate reference in the Act.

SECTION 4. This amendment clarifies the application of the re-enacted clause.

SECTION 5. This section re-enacts Schedule II on the basis of a rate of interest of 5 per cent rather than 4 per cent in the repealed Schedule II. The 5 per cent rate of interest was adopted by regulation to provide uniformity with other provinces levying gift tax.

SCHEDULE II

FORMULA FOR CALCULATING AMOUNT OF CONSIDERATION
FOR PURPOSES OF CLAUSE *b* OF SUBSECTION 4 OF SECTION 7

$$Y - (\text{multiplier} \times .05 \times y) = (\text{multiplier} \times \text{annuity})$$

$$- (\text{multiplier} \times .05 \times \text{value of property disposed of})$$

In this formula,

- (a) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (b) annuity is the annual amount of the annuity or periodic payment referred to in clause *b* of section 3;
- (c) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and
- (d) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

NOTE: Example—

A male person disposes of property of value of \$80,000.00 under an arrangement to receive an annuity of \$6,000.00 for his life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a male person aged 85 is 3.52 the formula can be expressed as follows:

$$y - (3.52 \times .05 \times y) = (3.52 \times 6000) - (3.52 \times .05 \times 80,000)$$

$$y - (.1760y) = (21120 - 14080)$$

$$.8240 y = 7040$$

$$y = \frac{7040}{.8240}$$

$$y = 8,543.69$$

The consideration paid for the property disposed of is \$8,543.69.

- 6.—(1) This Act, except subsection 1 of section 1, subsections ^{Commence-} 2 and 3 of section 2 and section 5, comes into force on the day it receives Royal Assent.
- (2) Subsection 1 of section 1 and section 5 shall be ^{Idem} deemed to have come into force on the 1st day of January, 1972.
- (3) Subsections 2 and 3 of section 2 shall be deemed to ^{Idem} have come into force on the 13th day of April, 1973.

7. This Act may be cited as *The Gift Tax Amendment Act, 1973*. ^{Short title}

BILL 258

An Act to amend
The Gift Tax Act, 1972

1st Reading

November 30th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N
XB
-B 56

BILL 258

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Gift Tax Act, 1972

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Gift Tax Act, 1972*, being chapter 12 of the Statutes of Ontario, 1972, is amended by striking out “and” in the ninth line and inserting in lieu thereof “or”. s. 1, par. 4, subpar. i, amended
- (2) Paragraph 16 of the said section 1 is amended by striking out “a corporation” in the first line and inserting in lieu thereof “the corporation of a district, metropolitan or regional municipality or”. s. 1, par. 16, amended
- 2.—(1) Clause *b* of section 10 of the said Act is repealed and the following substituted therefor: s. 10 (b), re-enacted
 - (b) a testamentary gift or a gift made by the donor during his lifetime under which,
 - (i) the donor is entitled to receive all the income from the donated property and from property substituted therefor and all income from the reinvestment of any income or gains therefrom that arise before his death, and
 - (ii) no person other than the donor is entitled, before the death of the donor, to possess for his own benefit or for the benefit of any other person other than the donor any of the donated property or any property substituted therefor, or receive or otherwise obtain the use of any of the income referred to in subclause i.
- (2) The said section 10 is amended by adding thereto the following clause: s. 10, amended

(h) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of farming assets in Ontario given by a donor who is resident in Ontario and whose chief occupation is farming, or who is the spouse of an individual who is resident in Ontario and whose chief occupation is farming, to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption to be used by such person or persons, or by such person or persons together with the donor or the spouse of the donor, in farming in Ontario, but no gifts are exempt from tax by virtue of this clause,

(i) to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are made in the same year exceeds \$50,000, or

(ii) if the donor, at any time prior to the first day of January of the year in which any gift described in this clause of farming assets in Ontario is made, has made a gift the whole or any part of the value of which was exempt from tax by virtue of this clause.

s. 10,
amended

(3) The said section 10 is further amended by adding thereto the following subsection:

Interpre-
tation

R.S.O. 1970,
c. 449

(2) For the purpose of clause *h* of subsection 1, the expressions "farming" and "farming assets" have the meaning given to them in section 17*a* of *The Succession Duty Act*.

s. 11 (1),
amended

3. Subsection 1 of section 11 of the said Act is amended by striking out "taxable" in the fifteenth line.

s. 12 (b),
re-enacted

4. Clause *b* of section 12 of the said Act is repealed and the following substituted therefor:

(b) the total of all gift taxes paid on or in respect of that real property under the laws in force in the place in which the real property is situated.

Schedule II,
re-enacted

5. Schedule II to the said Act is repealed and the following substituted therefor:

SCHEDULE II

FORMULA FOR CALCULATING AMOUNT OF CONSIDERATION
FOR PURPOSES OF CLAUSE *b* OF SUBSECTION 4 OF SECTION 7

$$Y = (\text{multiplier} \times .05 \times y) - (\text{multiplier} \times \text{annuity})$$

$$= (\text{multiplier} \times .05 \times \text{value of property disposed of})$$

In this formula,

- (a) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (b) annuity is the annual amount of the annuity or periodic payment referred to in clause *b* of section 3;
- (c) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and *
- (d) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

NOTE: Example—

A male person disposes of property of value of \$80,000.00 under an arrangement to receive an annuity of \$6,000.00 for his life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a male person aged 85 is 3.52 the formula can be expressed as follows:

$$y = (3.52 \times .05 \times y) = (3.52 \times 6000) - (3.52 \times .05 \times 80,000)$$

$$y = (.1760y) = (21120 - 14080)$$

$$.8240 y = 7040$$

$$y = \frac{7040}{.8240}$$

$$y = 8,543.69$$

The consideration paid for the property disposed of is \$8,543.69.

- 6.—(1) This Act, except subsection 1 of section 1, subsections 2 and 3 of section 2 and section 5, comes into force on the day it receives Royal Assent. ^{Commence-}
- (2) Subsection 1 of section 1 and section 5 shall be deemed to have come into force on the 1st day of January, 1972. ^{Idem}
- (3) Subsections 2 and 3 of section 2 shall be deemed to have come into force on the 13th day of April, 1973. ^{Idem}

7. This Act may be cited as *The Gift Tax Amendment Act, 1973*. ^{Short title}

BILL 258

An Act to amend
The Gift Tax Act, 1972

1st Reading

November 30th, 1973

2nd Reading

December 10th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N- Assembly
XB
-B56

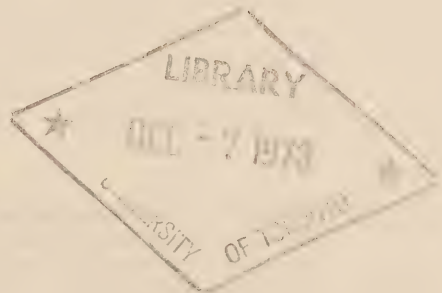
BILL 259

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Commercial Vehicles Act

THE HON. G. CARTON
Minister of Transportation and Communications



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The present section 2 of the Act refers to the operation of public commercial vehicles. The re-enacted subsection 1 refers to the operation of commercial vehicles. The criteria for a lease referred to in the present subsection 2 of section 2 of the Act are now contained in new section 3 of the Act.

BILL 259

1973

An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Commercial Vehicles Act*, being ^{s. 1, amended} chapter 375 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, is further amended by adding thereto the following clause:

(ab) “commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* ^{R.S.O. 1970, c. 202} and includes a trailer as defined in that Act and a dual purpose vehicle.

- (2) Clause *k* of the said section 1 is repealed and the follow- ^{s. 1 (k), re-enacted} ing substituted therefor:

(*k*) “public commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* or a dual purpose vehicle or the combination of a commercial motor vehicle and trailer or trailers drawn by it, for which a vehicle licence has been issued under this Act.

2. Subsections 1 and 2 of section 2 of the said Act are repealed ^{s. 2 (1, 2), re-enacted} and the following substituted therefor:

(1) No person shall operate a commercial vehicle on a highway for the transportation for compensation of goods ^{Operating licence required} of any other person unless,

- (a) pursuant to an operating licence;
- (b) a vehicle licence has been issued in respect of the commercial vehicle; and

- (c) the transportation is carried out in accordance with the terms and conditions of the operating licence and the vehicle licence and the provisions of this Act and the regulations.

Exceptions

(2) Subsection 1 does not apply to,

- (a) the transportation of goods within an urban zone; or
- (b) the transportation by a commercial vehicle from a farm or forest of goods other than live stock or milk that are the products of such farm or forest.

s. 3.
re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Transporta-
tion of goods
for compensa-
tion

3.—(1) Subject to subsection 2, where a commercial vehicle is used for the transportation on a highway of goods that,

- (a) are owned by a person other than the owner or lessee of the vehicle; and
- (b) are being transported pursuant to any arrangement or agreement between the owner or lessee of the vehicle and such other person under which the owner or lessee directly or indirectly receives compensation or consideration of any kind for the use of the vehicle,

the goods shall be deemed for the purposes of this Act to be transported in the vehicle by the owner or lessee of the vehicle, as the case may be, for compensation unless such arrangement or agreement constitutes a valid lease of the vehicle to such other person by the owner or lessee of the vehicle.

Lease of
vehicle

(2) An arrangement or agreement shall be deemed not to be a valid lease of a vehicle for the purposes of this Act,

- (a) unless it is in writing and sets out fully and accurately all the terms under which the vehicle is leased;
- (b) unless the lessee acquires or exercises exclusive possession and control over the vehicle under the arrangement or agreement;
- (c) where the lessor or his agent or servant engages or pays directly or indirectly the driver of the vehicle;

SECTION 3. The re-enacted section 3 of the Act deals with attempts to evade the provisions of section 2 of the Act.

SECTION 4. Section 11 of the Act provides that the vehicle licence requirement of this Act prevails over any provision in a private Act. This section is no longer required.

SECTION 5. Complementary to the re-enacted definitions of "commercial vehicle" and "public commercial vehicle".

SECTIONS 6 AND 7. The re-enacted section 12e of the Act requires a determination by the Ontario Highway Transport Board that public necessity and convenience warrant the issuance of a freight forwarder's licence before the licence may be issued. Provision is made for the renewal of existing licences after hearings to determine that public necessity and convenience warrant the renewals.

- (d) where the lessor or his agent or servant in any way exercises any control over the driver in the course of his employment as a driver of the vehicle;
- (e) where the lessor of the vehicle or his agent or servant in any manner whatsoever assumes any responsibility for any goods transported by the vehicle; or
- (f) where the vehicle is the subject of more than one arrangement or agreement for its use during the same period of time.

(3) An arrangement or agreement referred to in subsection 1 includes an arrangement or agreement that provides or includes a provision for the transfer of the permit issued under *The Highway Traffic Act* for a commercial vehicle to a person owning goods that are transported in the vehicle and for the subsequent retransfer of the permit to the former registered owner.

Where
vehicle
permit
transferred
R.S.O. 1970,
c. 202

(4) Every driver of a commercial vehicle that is under lease to the owner, consignor or consignee, of the goods transported shall carry at all times while transporting the goods on a highway a true copy of the lease and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Production
of
commercial
vehicle lease

4. Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed.

s. 11,
repealed

5.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out “public” in the fifth line.

s. 12 (1),
amended

(2) Subsection 2 of the said section 12 is amended by striking out “public” in the first line and in the eighth line.

s. 12 (2),
amended

6. Section 12e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 12e,
re-enacted

12e.—(1) The Minister, upon receipt of,

Issuance
of freight
forwarder's
licence

(a) a certificate of public necessity and convenience issued by the Board pursuant to section 12f; and

(b) payment of the prescribed fee,

shall issue a freight forwarder's licence in accordance with the certificate issued by the Board.

Renewal

(2) Subject to subsection 3, a freight forwarder's licence may be renewed by the Minister upon application by the holder of the licence.

Transitional

(3) A freight forwarder's licence that is in force immediately before the coming into force of this section shall not be renewed until the Board upon the application of the licensee has, after a hearing of the application, approved the renewal of the licence on the ground that public necessity and convenience warrant the renewal of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business of the applicant.

s. 12f.
re-enacted

7. Section 12f of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Approval of
Board

12f. The Minister shall not issue a freight forwarder's licence to any person unless the Board, upon the application of that person in the prescribed form, has, after a hearing of the application in accordance with *The Ontario Highway Transport Board Act*, approved the issuance of the licence to him on the ground that public necessity and convenience warrant the issuance of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business.

R.S.O. 1970.
c. 316s. 12h (a).
amended

8. Clause *a* of section 12h of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "clause *b* of subsection 1 of section 12e" in the third and fourth lines and inserting in lieu thereof "this Act or the regulations".

s. 12i (1) (c).
amended

9. Clause *c* of subsection 1 of the said section 12i is amended by striking out "to refuse to issue a freight forwarder's licence under section 12e or" in the first and second lines.

s. 15b.
re-enacted

10. Section 15b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Stopping
of vehicle for
examination

15b.—(1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection 2, direct, by

SECTIONS 8 AND 9. Complementary to the re-enactment of section 12*e* of the Act.

SECTION 10. Self-explanatory.

SECTION 11. Self-explanatory.

signals or otherwise, the driver of any commercial vehicle that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle.

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the vehicle, and the driver or other person in control of the vehicle shall assist in the examination of it, its contents and equipment. ^{Examination of vehicle, etc.}

(3) Where a commercial vehicle examined under this section contains goods that are being transported, the person conducting the examination may, in addition to any documents required to be produced under *The Highway Traffic Act*, require the driver or other person in charge of the vehicle to produce all documents in his possession or in the vehicle relating to the operation of the vehicle and the transportation and ownership of the goods, including, if any, ^{Production of documents} ^{R.S.O. 1970, c. 202}

- (a) the vehicle licence;
- (b) a copy of the conditions of the operating licence under which the vehicle is operated;
- (c) a copy of any lease under which it is being operated; and
- (d) copies of any bills of lading or memoranda thereof,

and to furnish any information that he has relating to the details of the trip on which the goods are being transported and the ownership of the goods.

11. Section 15c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following subsections: ^{s. 15c, amended}

(2) In addition to any other action taken under this Act, where the Minister believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Minister may appoint one or more persons to make an investigation to ascertain whether such a contravention has occurred and the person appointed shall report the result of his investigation to the Minister. ^{Appointment of investigators}

Examination
of records,
etc.

(3) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations and transactions made by or on behalf of or in relation to such person relating to the transportation of goods or the use of commercial vehicles or that are otherwise relevant to the subject-matter of the investigation,

1971, c. 49,

and for the purpose of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Idem

(4) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Issuance
of order

(5) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section,

- (a) that the investigation has been ordered and that such person has been appointed to make it; and
- (b) that there are reasonable grounds for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 3, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sun-

SECTION 12. The maximum fine is increased to \$1,000.

SECTION 13. Section 18(f) of the Act provides for the making of regulations requiring the carrying of insurance by persons licensed under the Act.

rise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(6) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of documents

(7) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Copies

(8) The Minister may appoint any expert to assist in examining books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5. Appointment of examiners

12. Section 16 of the said Act is amended by striking out “\$200” s. 16, amended in the fourth line and inserting in lieu thereof “\$1,000”.
13. Clause *f* of section 18 of the said Act is amended by inserting after “persons” in the third line “or classes of persons”. s. 18 (f), amended
14. This Act comes into force on the 31st day of January, 1974. Commencement
15. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1973*. Short title

BILL 259

An Act to amend
The Public Commercial
Vehicles Act

1st Reading

December 3rd, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

(Government Bill)

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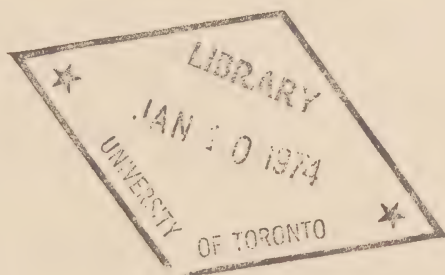
BILL 259

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Commercial Vehicles Act

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

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An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Commercial Vehicles Act*, being ^{s. 1, amended} chapter 375 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, is further amended by adding thereto the following clause:

(ab) “commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* ^{R.S.O. 1970, c. 202} and includes a trailer as defined in that Act and a dual purpose vehicle.

- (2) Clause *k* of the said section 1 is repealed ^{s. 1 (k), re-enacted} and the following substituted therefor:

(k) “public commercial vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act* or a dual purpose vehicle or the combination of a commercial motor vehicle and trailer or trailers drawn by it, for which a vehicle licence has been issued under this Act.

2. Subsections 1 and 2 of section 2 of the said Act are repealed ^{s. 2 (1, 2), re-enacted} and the following substituted therefor:

(1) No person shall operate a commercial vehicle on a ^{Operating licence required} highway for the transportation for compensation of goods of any other person unless,

- (a) pursuant to an operating licence;
- (b) a vehicle licence has been issued in respect of the commercial vehicle; and

- (c) the transportation is carried out in accordance with the terms and conditions of the operating licence and the vehicle licence and the provisions of this Act and the regulations.

Exceptions

(2) Subsection 1 does not apply to,

- (a) the transportation of goods within an urban zone; or
- (b) the transportation by a commercial vehicle from a farm or forest of goods other than live stock or milk that are the products of such farm or forest.

s. 3.
re-enacted

3. Section 3 of the said Act is repealed and the following substituted therefor:

Transporta-
tion of goods
for compensa-
tion

3.—(1) Subject to subsection 2, where a commercial vehicle is used for the transportation on a highway of goods that,

- (a) are owned by a person other than the owner or lessee of the vehicle; and
- (b) are being transported pursuant to any arrangement or agreement between the owner or lessee of the vehicle and such other person under which the owner or lessee directly or indirectly receives compensation or consideration of any kind for the use of the vehicle,

the goods shall be deemed for the purposes of this Act to be transported in the vehicle by the owner or lessee of the vehicle, as the case may be, for compensation unless such arrangement or agreement constitutes a valid lease of the vehicle to such other person by the owner or lessee of the vehicle.

Lease of
vehicle

(2) An arrangement or agreement shall be deemed not to be a valid lease of a vehicle for the purposes of this Act,

- (a) unless it is in writing and sets out fully and accurately all the terms under which the vehicle is leased;
- (b) unless the lessee acquires or exercises exclusive possession and control over the vehicle under the arrangement or agreement;
- (c) where the lessor or his agent or servant engages or pays directly or indirectly the driver of the vehicle;

- (d) where the lessor or his agent or servant in any way exercises any control over the driver in the course of his employment as a driver of the vehicle;
- (e) where the lessor of the vehicle or his agent or servant in any manner whatsoever assumes any responsibility for any goods transported by the vehicle; or
- (f) where the vehicle is the subject of more than one arrangement or agreement for its use during the same period of time.

(3) An arrangement or agreement referred to in subsection 1 includes an arrangement or agreement that provides or includes a provision for the transfer of the permit issued under *The Highway Traffic Act* for a commercial vehicle to a person owning goods that are transported in the vehicle and for the subsequent retransfer of the permit to the former registered owner.

Where
vehicle
permit
transferred

R.S.O. 1970,
c. 202

(4) Every driver of a commercial vehicle that is under lease to the owner, consignor or consignee, of the goods transported shall carry at all times while transporting the goods on a highway a true copy of the lease and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Production
of
commercial
vehicle lease

4. Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed.

s. 11,
repealed

5.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out “public” in the fifth line.

s. 12 (1),
amended

(2) Subsection 2 of the said section 12 is amended by striking out “public” in the first line and in the eighth line.

s. 12 (2),
amended

6. Section 12e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 12e,
re-enacted

12e.—(1) The Minister, upon receipt of,

(a) a certificate of public necessity and convenience issued by the Board pursuant to section 12f; and

(b) payment of the prescribed fee,

shall issue a freight forwarder's licence in accordance with the certificate issued by the Board.

Issuance
of freight
forwarder's
licence

Renewal

(2) Subject to subsection 3, a freight forwarder's licence may be renewed by the Minister upon application by the holder of the licence.

Transitional

(3) A freight forwarder's licence that is in force immediately before the coming into force of this section shall not be renewed until the Board upon the application of the licensee has, after a hearing of the application, approved the renewal of the licence on the ground that public necessity and convenience warrant the renewal of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business of the applicant.

s. 12f.
re-enacted

7. Section 12f of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Approval of
Board

12f. The Minister shall not issue a freight forwarder's licence to any person unless the Board, upon the application of that person in the prescribed form, has, after a hearing of the application in accordance with *The Ontario Highway Transport Board Act*, approved the issuance of the licence to him on the ground that public necessity and convenience warrant the issuance of the licence and will be served thereby and has issued a certificate to that effect to the Minister, and the Board, having regard to the requirements of public necessity and convenience, may prescribe in the certificate terms and conditions to govern the freight forwarding business.

R.S.O. 1970,
c. 316s. 12h (a).
amended

8. Clause *a* of section 12h of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "clause *b* of subsection 1 of section 12e" in the third and fourth lines and inserting in lieu thereof "this Act or the regulations".

s. 12i (1) (c).
amended

9. Clause *c* of subsection 1 of the said section 12i is amended by striking out "to refuse to issue a freight forwarder's licence under section 12e or" in the first and second lines.

s. 15b.
re-enacted

10. Section 15b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Stopping
of vehicle for
examination

15b.—(1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection 2, direct, by

signals or otherwise, the driver of any commercial vehicle that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle.

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any commercial vehicle, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the vehicle, and the driver or other person in control of the vehicle shall assist in the examination of it, its contents and equipment. ^{Examination of vehicle, etc.}

(3) Where a commercial vehicle examined under this section contains goods that are being transported, the person conducting the examination may, in addition to any documents required to be produced under *The Highway Traffic Act*, require the driver or other person in charge of the vehicle to produce all documents in his possession or in the vehicle relating to the operation of the vehicle and the transportation and ownership of the goods, including, if any, ^{Production of documents} ^{R.S.O. 1970, c. 202}

- (a) the vehicle licence;
- (b) a copy of the conditions of the operating licence under which the vehicle is operated;
- (c) a copy of any lease under which it is being operated; and
- (d) copies of any bills of lading or memoranda thereof,

and to furnish any information that he has relating to the details of the trip on which the goods are being transported and the ownership of the goods.

11. Section 15c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following subsections: ^{s. 15c. amended}

(2) In addition to any other action taken under this Act, where the Minister believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Minister may appoint one or more persons to make an investigation to ascertain whether such a contravention has occurred and the person appointed shall report the result of his investigation to the Minister. ^{Appointment of investigators}

Examination
of records,
etc.

(3) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations and transactions made by or on behalf of or in relation to such person relating to the transportation of goods or the use of commercial vehicles or that are otherwise relevant to the subject-matter of the investigation,

1971, c. 49.

and for the purpose of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Idem

(4) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Issuance
of order

(5) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section,

- (a) that the investigation has been ordered and that such person has been appointed to make it; and
- (b) that there are reasonable grounds for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 3, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sun-

rise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(6) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of documents}

(7) Any copy made as provided in subsection 6 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Copies}

(8) The Minister may appoint any expert to assist in examining books, papers, documents or things examined under clause *a* of subsection 3 or under subsection 5. ^{Appointment of examiners}

12. Section 16 of the said Act is amended by striking out “\$200” ^{s. 16, amended} in the fourth line and inserting in lieu thereof “\$1,000”.
13. Clause *f* of section 18 of the said Act is amended by inserting after “persons” in the third line “or classes of persons”. ^{s. 18 (f), amended}
14. This Act comes into force on the 31st day of January, 1974. ^{Commencement}
15. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1973*. ^{Short title}

BILL 259

An Act to amend
The Public Commercial
Vehicles Act

1st Reading

December 3rd, 1973

2nd Reading

December 6th, 1973

3rd Reading

December 12th, 1973

THE HON. G. CARTON
Minister of Transportation and
Communications

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-B56

Government
Publications

BILL 260

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. Self-explanatory.

Subsection 2. The definition of “commercial motor vehicle” is amended by removing “police patrols”. The word “motor” is removed from the reference to “motor buses” to conform to the definition of “bus” in section 1 (1) of the Act.

Subsection 3. Complementary to the new section 13 of the Act.

SECTION 2. Complementary to the new section 13 of the Act.

SECTION 3. Complementary to the new section 13 of the Act.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, ^{s. 1 (1), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, section 1, is further amended by renumbering paragraph 1 and paragraph 1a as enacted by the Statutes of Ontario, 1973, chapter 45, section 1, as paragraphs 1a and 1b respectively and by adding thereto the following paragraph:
 1. “Board” means the Licence Suspension Appeal Board established under section 28.
- (2) Paragraph 3 of subsection 1 of the said section 1 ^{s. 1 (1), par. 3, amended} is amended by striking out “police patrols, motor” in the fourth line.
- (3) Subsection 1 of the said section 1 is further amended ^{s. 1 (1), amended} by adding thereto the following paragraphs:
 - 7a. “driver” means a person who drives a motor vehicle on a highway;
 - 7b. “driver’s licence” means a licence issued under section 13 to drive a motor vehicle on a highway.
2. Except where the context otherwise requires, a reference “Chauffeur” and “operator” changed to a “driver” in the said Act or the regulations made under the said Act to a “chauffeur” or “operator” shall be deemed to be a reference to a “driver”, and a reference to a “chauffeur’s licence” or “operator’s licence” shall be deemed to be a reference to a “driver’s licence”.
3. The heading to Part III of the said Act is repealed and ^{Part III, heading, re-enacted} the following substituted therefor:

LICENCES

DRIVER, DRIVING INSTRUCTOR

s. 13.
re-enacted

4. Section 13 of the said Act is repealed and the following substituted therefor:

Driver's
licence

13.—(1) No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him by the Minister.

Issuance of
licence

(2) The Minister may issue a driver's licence to any person who meets the requirements of this Act and the regulations authorizing the person to drive on a highway,

(a) any motor vehicle within a class or classes of motor vehicles;

(b) subject to any conditions; and

(c) for the period of time,

prescribed by the regulations and set out or referred to in the licence.

Responsi-
bility of
owner of
motor vehicle

(3) No person who is the owner or is in possession or control of a motor vehicle shall permit any person to drive the motor vehicle on a highway unless that person holds a driver's licence issued in respect of the class of motor vehicles to which the motor vehicle belongs.

Examina-
tions

(4) An applicant for a driver's licence or a person who holds a driver's licence shall submit to such examinations as are authorized by the regulations relating to this section and required by the Minister at such times and places as the Minister may require and the Minister may,

(a) in the case of an applicant for a driver's licence,

(i) issue the licence subject to such of the conditions authorized by the regulations and in respect of such class or classes of motor vehicles as in the opinion of the Minister are justified by the results of the examinations, or

(ii) where the applicant fails to submit to or to successfully complete the examinations, refuse to issue a driver's licence to the applicant; or

SECTION 4. The new section 13 of the Act provides for licences to drive classes of motor vehicles in place of the concept of operators' and chauffeurs' licences and provides for the examination of applicants for licences and holders of licences and for related regulations.

SECTION 5. Complementary to the new section 13 of the Act.

(b) in the case of a person who holds a driver's licence,

(i) impose or remove such of the conditions authorized by the regulations or change the class or classes of motor vehicles in respect of which the licence is issued in accordance with the results of the examinations, or

(ii) where the person fails to submit to or to successfully complete the examinations, suspend or cancel the driver's licence held by the person.

(5) Notwithstanding any other provision of this Act,^{Transitional} the provisions of this Act and the regulations relating to operators' licences and chauffeurs' licences that are in force immediately before the coming into force of this section shall continue to apply to such licences and the holders thereof until such licences are amended by the regulations related to this section.

(6) The Lieutenant Governor in Council may make regu-^{Regulations}lations relating to this section,

(a) prescribing classes of motor vehicles;

(b) prescribing the term of validity of drivers' licences;

(c) prescribing conditions that shall apply to drivers' licences or any class or classes of drivers' licences;

(d) prescribing classes of drivers' licences;

(e) respecting practical and written driving examinations, and mental and physical, including ophthalmic and auditory, examinations for applicants for and holders of drivers' licences;

(f) respecting the classification of drivers' licences issued under a predecessor of this section and in force immediately before this section comes into force as drivers' licences in accordance with the provisions of this section.

5.—(1) Subsection 1 of section 15 of the said Act is amended by ^{s. 15 (1),}striking out "Sections 13 and 16" in the first line and ^{amended}inserting in lieu thereof "Section 13".

s. 15 (2),
amended

- (2) Subsection 2 of the said section 15 is amended by striking out “Sections 13 and 16” in the first line and inserting in lieu thereof “Section 13”.

ss. 16, 17,
repealed

6. Sections 16 and 17 of the said Act are repealed.

s. 25 (2),
amended

7. Subsection 2 of section 25 of the said Act is amended by striking out “sections 13 and 16” in the first line and inserting in lieu thereof “section 13”.

s. 58,
re-enacted

8. Section 58 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 18, is repealed and the following substituted therefor:

Interpre-
tation

58. In this section and in sections 58*a* to 58*m*,

- (a) “Director” means the Director of Vehicle Inspection Standards appointed under section 58*a*;
- (b) “licensee” means a person who is the holder of a motor vehicle inspection station licence issued under section 58*d*;
- (c) “motor vehicle inspection mechanic” means a person who certifies by means of a safety standards certificate that a motor vehicle complies with the equipment and performance standards prescribed by the regulations;
- (d) “motor vehicle inspection station” means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates in respect of such motor vehicles;
- (e) “registrant” means a person who is registered as a motor vehicle inspection station mechanic under section 58*e*.

Director

58*a*. The Minister shall appoint an officer of the Ministry to be the Director of Vehicle Inspection Standards for purposes of sections 58 to 58*m*.

Safety
standards
certificate

58*b*.—(1) No person shall sell a used motor vehicle unless,

- (a) on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a safety standards certificate that was issued upon an inspection that was completed in respect of the motor vehicle not more than thirty days before the date of the

SECTION 6. Complementary to the new section 13 of the Act.

SECTION 7. Complementary to the new section 13 of the Act.

SECTION 8. The present section 58 of the Act provides for delivery of a certificate of mechanical fitness.

The new sections 58 to 58*m* provide for the licensing and inspection of motor vehicle inspection stations and the registration of motor vehicle inspection mechanics and for the issuance of safety standards certificates that must be given to purchasers of used motor vehicles at the time of delivery of the vehicles and produced upon applications to transfer motor vehicle permits.

delivery of the used motor vehicle to the purchaser;
or

- (b) the seller forwards to the Ministry the notice required under subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(2) A person who applies to transfer the permit issued in ^{Transfer} respect of a used motor vehicle shall, _{of permit}

- (a) deliver to the Ministry a safety standards certificate that was issued in respect of the vehicle not more than thirty-six days before the date of the application; or
- (b) forward to the Ministry notice of the transfer of the vehicle in the form referred to in subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(3) The Ministry shall not issue a permit or number ^{Idem} plates to any person upon an application to transfer the permit issued in respect of a motor vehicle or upon an application to register a used motor vehicle that is registered in another jurisdiction unless there is delivered to the Ministry a safety standards certificate issued upon an inspection that was completed in respect of the motor vehicle not more than thirty-six days before the date of the application.

(4) Subsection 3 does not apply to an application, ^{Exception}

- (a) to transfer the permit issued in respect of a motor vehicle registered in Ontario that is transferred,
 - (i) to the spouse of the owner of the vehicle,
 - (ii) to the estate of the deceased owner of the vehicle, or
 - (iii) from the deceased owner or the estate of the deceased owner of the vehicle to the deceased owner's spouse; or
- (b) to register a commercial motor vehicle that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

Issue of
permit when
certificate
not produced

(5) Upon receipt of the notice together with the number plates and permit pursuant to clause *b* of subsection 1 or clause *b* of subsection 2, the Ministry shall issue a permit marked "unfit motor vehicle" and shall not issue number plates under Part II for the motor vehicle until application is made therefor together with a safety standards certificate that was issued in respect of an inspection of the motor vehicle completed not more than thirty days before the date of the application.

Sale or
transfer to
motor vehicle
dealer
R.S.O. 1970,
c. 475

(6) Subsections 1, 2 and 3 do not apply to the sale or transfer of a used motor vehicle to a motor vehicle dealer registered under *The Motor Vehicle Dealers Act*.

Application
of
R.S.O. 1970,
c. 281, s. 2(2)

(7) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act* does not apply upon the issuance or transfer of a permit that is marked "unfit motor vehicle".

Issue of
safety
standards
certificate

58c.—(1) No person other than a licensee or a person authorized in writing by the licensee shall issue a safety standards certificate.

Idem

(2) A safety standards certificate in respect of a motor vehicle shall not be issued unless,

(a) the motor vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

(b) the certificate,

(i) is made by the motor vehicle inspection mechanic who inspected the motor vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

Motor
vehicle
inspection
station
licence

58d.—(1) No person shall establish, operate or maintain a motor vehicle inspection station except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a motor vehicle inspection station subject to such conditions as the Director may specify in the licence.

Issuance
of licence

(2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a motor vehicle inspection station and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

(3) Subject to section 58*h*, the Director may refuse to issue a motor vehicle inspection station licence where, in his opinion, Grounds for refusal

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the motor vehicle inspection station will not be operated in accordance with the law and with honesty and integrity;
- (b) the proposed motor vehicle inspection station or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
- (c) the applicant is not competent to operate a motor vehicle inspection station in accordance with this Act and the regulations;
- (d) the equipment and premises are not suitable for the performance of the inspections for which the licence is sought.

(4) A motor vehicle inspection station licence expires with the 31st day of December in the year in which it is issued and a renewal shall be issued where the applicant is not disqualified under subsection 8. Expiration and renewal of motor vehicle inspection station licence

(5) A motor vehicle inspection station licence is not transferable. Not transferable

(6) It is a condition of a motor vehicle inspection station licence that the operation of the motor vehicle inspection station be under the charge and control of the licensee. Operator named in licence

(7) Where the licensee is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. Notice of change

(8) The Director may revoke or refuse to renew a motor vehicle inspection station licence where, Revocation of licence

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any safety standards certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or

the regulations or any other Act or regulation that applies to the motor vehicle inspection station;

- (b) any inspection authorized by the licence is incompetently performed;
- (c) the licensee or any motor vehicle inspection station mechanic employed in the motor vehicle inspection station has misrepresented the condition of a motor vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the motor vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate;
- (d) there is a breach of a condition of the licence;
- (e) the licensee does not comply with this Act or the regulations;
- (f) the inspections that can be performed by the motor vehicle inspection station are misrepresented; or
- (g) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a motor vehicle inspection station licence under clause *a* of subsection 3.

Motor
vehicle
inspection
mechanic

58*e*.—(1) No person shall certify in a safety standards certificate that a motor vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2.

Registration

(2) Where a licensee or an applicant for a motor vehicle inspection station licence applies for the registration as a motor vehicle inspection mechanic in the motor vehicle inspection station of the licensee or in the proposed motor vehicle inspection station of the applicant for a licence, as the case may be, of any person who meets the requirements of this Act and the regulations, such person is entitled to be registered as a motor vehicle inspection mechanic in the motor vehicle inspection station.

Grounds
for refusal

(3) Subject to section 58*h*, the Director may refuse to register a motor vehicle inspection mechanic where, in his opinion,

- (a) the past conduct of the mechanic affords reasonable grounds for belief that the mechanic will not act as a motor vehicle inspection mechanic in accordance with the law and with honesty and integrity; or
- (b) the mechanic is not competent to act as a motor vehicle inspection mechanic.

58f. The Director may revoke the registration of a motor vehicle inspection mechanic where, Revocation of registration

- (a) the registrant or the licensee has made a false statement in the application for registration of the registrant or in a safety standards certificate or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the registrant;
- (b) any inspection performed under the authority of his registration is incompetently performed by the registrant; or
- (c) the registrant does not comply with this Act or the regulations.

58g.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the conditions thereof prescribed by the Director, he may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing. Hearing re terms of licence

(2) Pursuant to a hearing under subsection 1, the Board may affirm the conditions prescribed for the licence by the Director or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Director as it considers proper and such conditions shall be conditions of the licence. Decision of Board

58h.—(1) Where the Director proposes, Proposal to refuse to issue or revoke

- (a) to refuse to issue or renew a licence;
- (b) to refuse to make a registration; or
- (c) to revoke a licence or registration,

the Director shall serve notice of his proposal, together with written reasons therefor,

- (d) in the case of a proposal to refuse to issue a licence, upon the applicant;
- (e) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee;
- (f) in the case of a proposal to refuse to make a registration, upon the applicant or licensee and upon the proposed registrant; and
- (g) in the case of a proposal to revoke a registration, upon the registrant and the licensee of the motor vehicle inspection station in which the registrant is employed.

Notice

(2) A notice under subsection 1 shall inform the applicant, licensee, registrant or proposed registrant, as the case may be, that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where the applicant, licensee, registrant or proposed registrant does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of
Board where
hearing

(4) Where the applicant, licensee, registrant or proposed registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the applicant, licensee, registrant or proposed registrant, under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee, registrant or proposed registrant, pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Continua-
tion of
licence pend-
ing renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the

licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

58i.—(1) The Director, the applicant, licensee, registrant ^{Parties} or proposed registrant who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 58g or 58h shall ^{Notice of hearing} afford the applicant, licensee, registrant or proposed registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or for the registration or continuation of the registration, as the case may be.

(3) Any party to proceedings under section 58g or 58h ^{Examination of documentary evidence} shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing ^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The* ^{1971, c. 47} *Statutory Powers Procedure Act, 1971*.

Only mem-
bers at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

(9) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

(11) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(12) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service
of notice

58j. Except where otherwise provided, any notice required by sections 58 to 58m to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

58*k*.—(1) The Minister may appoint one or more persons ^{Appointment of inspectors} as inspectors for the purposes of sections 58 to 58*m* and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed ^{Certificate of appointment} under subsection 1 a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect ^{Powers of inspectors} the premises, operations and all records of all motor vehicle inspection stations to ensure that the provisions of sections 58 to 58*m* and the regulations are complied with.

(4) Upon an inspection under this section, the inspector ^{Idem} may upon giving a receipt therefor remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the motor vehicle inspection station.

(5) Any copy made as provided in subsection 4 and ^{Admissibility of copies} purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or with- ^{Obstruction} hold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

58*l*.—(1) Any person who contravenes any provision of ^{Penalty} sections 58 to 58*k* or the regulations made under section 58*m* is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

(2) Any person who makes a false statement in a safety ^{Idem} standards certificate is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

58*m*. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing the form and content of safety standards certificates;

- (b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate;
- (c) governing the safety, equipment, premises, maintenance and operation of motor vehicle inspection stations;
- (d) prescribing forms for the purposes of sections 58 to 58*m* and providing for their use;
- (c) prescribing conditions that shall attach to motor vehicle inspection station licences or the registrations of motor vehicle inspection mechanics or any class of either of them;
- (f) classifying motor vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 58 to 58*m*;
- (g) prescribing fees that shall be paid upon applications for motor vehicle inspection station licences and upon the issuance of such licences or renewals thereof and upon applications for and the registration of motor vehicle inspection mechanics;
- (h) requiring that safety standards certificates shall be issued only in the form provided by the Ministry and prescribing the amount that shall be paid to the Ministry for forms of such certificates;
- (i) prescribing the books, records and accounts that shall be kept by licensees;
- (j) governing the reports and returns that shall be made to the Director by licensees and registrants;
- (k) prescribing the qualifications of motor vehicle inspection mechanics;
- (l) prescribing other duties of inspectors;
- (m) prescribing the form, size and content of signs that identify motor vehicle inspection stations and governing the use of such signs;
- (n) requiring and governing the return to the Ministry of unused forms of safety standards certificates and providing for refunds of amounts paid for such forms of certificates;

SECTION 9. Self-explanatory.

- (o) requiring and governing the return to the Ministry of signs provided by the Ministry to identify motor vehicle inspection stations.

9. The said Act is amended by adding thereto the following ^{s. 128a, enacted} section:

128a.—(1) The council of a municipality may by by-law ^{Prohibiting commercial vehicles in left lane} prohibit the operation of a commercial motor vehicle other than a bus in the left lane of any highway under its jurisdiction that has three or more lanes for traffic in each direction and on which the maximum speed limit is fifty miles per hour or more.

(2) A by-law passed pursuant to subsection 1 does not ^{When prohibition does not apply} apply to the use of the left lane of a highway by a commercial motor vehicle,

(a) that is being used for the maintenance or construction of the highway; or

(b) in an emergency.

(3) Where the council of a municipality passes a by-law ^{Signs} pursuant to subsection 1, the municipality shall erect signs over the left lane of the highway governed by the by-law so located that they can be seen by the drivers of commercial motor vehicles entering the highway from connecting or intersecting highways.

10. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Highway Traffic Amendment* ^{Short title} Act, 1973 (No. 2).

An Act to amend
The Highway Traffic Act

1st Reading

December 3rd, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

(Government Bill)

CA20N
XB
-B56

BILL 260

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

THE HON. G. CARTON
Minister of Transportation and Communications



An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, ^{s. 1 (1), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, section 1, is further amended by renumbering paragraph 1 and paragraph 1a as enacted by the Statutes of Ontario, 1973, chapter 45, section 1, as paragraphs 1a and 1b respectively and by adding thereto the following paragraph:

1. "Board" means the Licence Suspension Appeal Board established under section 28.

- (2) Paragraph 3 of subsection 1 of the said section 1 ^{s. 1 (1), par. 3, amended} is amended by striking out "police patrols, motor" in the fourth line.

- (3) Subsection 1 of the said section 1 is further amended ^{s. 1 (1), amended} by adding thereto the following paragraphs:

7a. "driver" means a person who drives a motor vehicle on a highway;

7b. "driver's licence" means a licence issued under section 13 to drive a motor vehicle on a highway.

2. Except where the context otherwise requires, a reference in the said Act or the regulations made under the said Act to a "chauffeur" or "operator" shall be deemed to be a reference to a "driver", and a reference to a "chauffeur's licence" or "operator's licence" shall be deemed to be a reference to a "driver's licence". ^{"Chauffeur" and "operator" changed to "driver"}

3. The heading to Part III of the said Act is repealed and the following substituted therefor: ^{Part III. heading. re-enacted}

LICENCES DRIVER, DRIVING INSTRUCTOR

s. 13.
re-enacted

4. Section 13 of the said Act is repealed and the following substituted therefor:

Driver's
licence

13.—(1) No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him by the Minister.

Issuance of
licence

(2) The Minister may issue a driver's licence to any person who meets the requirements of this Act and the regulations authorizing the person to drive on a highway,

(a) any motor vehicle within a class or classes of motor vehicles;

(b) subject to any conditions; and

(c) for the period of time,

prescribed by the regulations and set out or referred to in the licence.

Responsi-
bility of
owner of
motor vehicle

(3) No person who is the owner or is in possession or control of a motor vehicle shall permit any person to drive the motor vehicle on a highway unless that person holds a driver's licence issued in respect of the class of motor vehicles to which the motor vehicle belongs.

Examina-
tions

(4) An applicant for a driver's licence or a person who holds a driver's licence shall submit to such examinations as are authorized by the regulations relating to this section and required by the Minister at such times and places as the Minister may require and the Minister may,

(a) in the case of an applicant for a driver's licence,

(i) issue the licence subject to such of the conditions authorized by the regulations and in respect of such class or classes of motor vehicles as in the opinion of the Minister are justified by the results of the examinations, or

(ii) where the applicant fails to submit to or to successfully complete the examinations, refuse to issue a driver's licence to the applicant; or

(b) in the case of a person who holds a driver's licence,

- (i) impose or remove such of the conditions authorized by the regulations or change the class or classes of motor vehicles in respect of which the licence is issued in accordance with the results of the examinations, or
- (ii) where the person fails to submit to or to successfully complete the examinations, suspend or cancel the driver's licence held by the person.

(5) Notwithstanding any other provision of this Act,^{Transitional} the provisions of this Act and the regulations relating to operators' licences and chauffeurs' licences that are in force immediately before the coming into force of this section shall continue to apply to such licences and the holders thereof until such licences are amended by the regulations related to this section.

(6) The Lieutenant Governor in Council may make regu-^{Regulations}lations relating to this section,

- (a) prescribing classes of motor vehicles;
- (b) prescribing the term of validity of drivers' licences;
- (c) prescribing conditions that shall apply to drivers' licences or any class or classes of drivers' licences;
- (d) prescribing classes of drivers' licences;
- (e) respecting practical and written driving examinations, and mental and physical, including ophthalmic and auditory, examinations for applicants for and holders of drivers' licences;
- (f) respecting the classification of drivers' licences issued under a predecessor of this section and in force immediately before this section comes into force as drivers' licences in accordance with the provisions of this section.

5.—(1) Subsection 1 of section 15 of the said Act is amended by ^{s. 15 (1),}striking out "Sections 13 and 16" in the first line and ^{amended}inserting in lieu thereof "Section 13".

s. 15 (2),
amended

(2) Subsection 2 of the said section 15 is amended by striking out “Sections 13 and 16” in the first line and inserting in lieu thereof “Section 13”.

ss. 16, 17,
repealed

6. Sections 16 and 17 of the said Act are repealed.

s. 25 (2),
amended

7. Subsection 2 of section 25 of the said Act is amended by striking out “sections 13 and 16” in the first line and inserting in lieu thereof “section 13”.

s. 58,
re-enacted

8. Section 58 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 18, is repealed and the following substituted therefor:

Interpre-
tation

58. In this section and in sections 58*a* to 58*m*,

- (a) “Director” means the Director of Vehicle Inspection Standards appointed under section 58*a*;
- (b) “licensee” means a person who is the holder of a motor vehicle inspection station licence issued under section 58*d*;
- (c) “motor vehicle inspection mechanic” means a person who certifies by means of a safety standards certificate that a motor vehicle complies with the equipment and performance standards prescribed by the regulations;
- (d) “motor vehicle inspection station” means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates in respect of such motor vehicles;
- (e) “registrant” means a person who is registered as a motor vehicle inspection station mechanic under section 58*e*.

Director

58*a*. The Minister shall appoint an officer of the Ministry to be the Director of Vehicle Inspection Standards for purposes of sections 58 to 58*m*.

Safety
standards
certificate

58*b*.—(1) No person shall sell a used motor vehicle unless,

- (a) on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a safety standards certificate that was issued upon an inspection that was completed in respect of the motor vehicle not more than thirty days before the date of the

delivery of the used motor vehicle to the purchaser;
or

- (b) the seller forwards to the Ministry the notice required under subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(2) A person who applies to transfer the permit issued in ^{Transfer of permit} respect of a used motor vehicle shall,

- (a) deliver to the Ministry a safety standards certificate that was issued in respect of the vehicle not more than thirty-six days before the date of the application; or
- (b) forward to the Ministry notice of the transfer of the vehicle in the form referred to in subsection 2 of section 9 together with the current number plates and permit issued with respect to the motor vehicle.

(3) The Ministry shall not issue a permit or number ^{Idem} plates to any person upon an application to transfer the permit issued in respect of a motor vehicle or upon an application to register a used motor vehicle that is registered in another jurisdiction unless there is delivered to the Ministry a safety standards certificate issued upon an inspection that was completed in respect of the motor vehicle not more than thirty-six days before the date of the application.

(4) Subsection 3 does not apply to an application, ^{Exception}

- (a) to transfer the permit issued in respect of a motor vehicle registered in Ontario that is transferred,
 - (i) to the spouse of the owner of the vehicle,
 - (ii) to the estate of the deceased owner of the vehicle, or
 - (iii) from the deceased owner or the estate of the deceased owner of the vehicle to the deceased owner's spouse; or
- (b) to register a commercial motor vehicle that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

Issue of
permit when
certificate
not produced

(5) Upon receipt of the notice together with the number plates and permit pursuant to clause *b* of subsection 1 or clause *b* of subsection 2, the Ministry shall issue a permit marked "unfit motor vehicle" and shall not issue number plates under Part II for the motor vehicle until application is made therefor together with a safety standards certificate that was issued in respect of an inspection of the motor vehicle completed not more than thirty days before the date of the application.

Sale or
transfer to
motor vehicle
dealer
R.S.O. 1970,
c. 475

(6) Subsections 1, 2 and 3 do not apply to the sale or transfer of a used motor vehicle to a motor vehicle dealer registered under *The Motor Vehicle Dealers Act*.

Application
of
R.S.O. 1970,
c. 281, s. 2 (2)

(7) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act* does not apply upon the issuance or transfer of a permit that is marked "unfit motor vehicle".

Issue of
safety
standards
certificate

58c.—(1) No person other than a licensee or a person authorized in writing by the licensee shall issue a safety standards certificate.

Idem

(2) A safety standards certificate in respect of a motor vehicle shall not be issued unless,

(a) the motor vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

(b) the certificate,

(i) is made by the motor vehicle inspection mechanic who inspected the motor vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

Motor
vehicle
inspection
station
licence

58d.—(1) No person shall establish, operate or maintain a motor vehicle inspection station except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a motor vehicle inspection station subject to such conditions as the Director may specify in the licence.

Issuance
of licence

(2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a motor vehicle inspection station and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

(3) Subject to section 58*h*, the Director may refuse to issue a motor vehicle inspection station licence where, in his opinion, Grounds for refusal

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the motor vehicle inspection station will not be operated in accordance with the law and with honesty and integrity;
- (b) the proposed motor vehicle inspection station or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
- (c) the applicant is not competent to operate a motor vehicle inspection station in accordance with this Act and the regulations;
- (d) the equipment and premises are not suitable for the performance of the inspections for which the licence is sought.

(4) A motor vehicle inspection station licence expires with the 31st day of December in the year in which it is issued and a renewal shall be issued where the applicant is not disqualified under subsection 8. Expiration and renewal of motor vehicle inspection station licence

(5) A motor vehicle inspection station licence is not transferable. Not transferable

(6) It is a condition of a motor vehicle inspection station licence that the operation of the motor vehicle inspection station be under the charge and control of the licensee. Operator named in licence

(7) Where the licensee is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. Notice of change

(8) The Director may revoke or refuse to renew a motor vehicle inspection station licence where, Revocation of licence

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any safety standards certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or

the regulations or any other Act or regulation that applies to the motor vehicle inspection station;

- (b) any inspection authorized by the licence is incompetently performed;
- (c) the licensee or any motor vehicle inspection station mechanic employed in the motor vehicle inspection station has misrepresented the condition of a motor vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the motor vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate;
- (d) there is a breach of a condition of the licence;
- (e) the licensee does not comply with this Act or the regulations;
- (f) the inspections that can be performed by the motor vehicle inspection station are misrepresented; or
- (g) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a motor vehicle inspection station licence under clause *a* of subsection 3.

Motor
vehicle
inspection
mechanic

58*e*.—(1) No person shall certify in a safety standards certificate that a motor vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2.

Registration

(2) Where a licensee or an applicant for a motor vehicle inspection station licence applies for the registration as a motor vehicle inspection mechanic in the motor vehicle inspection station of the licensee or in the proposed motor vehicle inspection station of the applicant for a licence, as the case may be, of any person who meets the requirements of this Act and the regulations, such person is entitled to be registered as a motor vehicle inspection mechanic in the motor vehicle inspection station.

Grounds
for refusal

(3) Subject to section 58*h*, the Director may refuse to register a motor vehicle inspection mechanic where, in his opinion,

(a) the past conduct of the mechanic affords reasonable grounds for belief that the mechanic will not act as a motor vehicle inspection mechanic in accordance with the law and with honesty and integrity; or

(b) the mechanic is not competent to act as a motor vehicle inspection mechanic.

58f. The Director may revoke the registration of a motor vehicle inspection mechanic where, Revocation of registration

(a) the registrant or the licensee has made a false statement in the application for registration of the registrant or in a safety standards certificate or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the registrant;

(b) any inspection performed under the authority of his registration is incompetently performed by the registrant; or

(c) the registrant does not comply with this Act or the regulations.

58g.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the conditions thereof prescribed by the Director, he may by written notice given to the Director and the Board require a hearing by the Board, and the Board shall appoint a time for and hold a hearing. Hearing re terms of licence

(2) Pursuant to a hearing under subsection 1, the Board may affirm the conditions prescribed for the licence by the Director or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Director as it considers proper and such conditions shall be conditions of the licence. Decision of Board

58h.—(1) Where the Director proposes,

Proposal to refuse to issue or revoke

(a) to refuse to issue or renew a licence;

(b) to refuse to make a registration; or

(c) to revoke a licence or registration,

the Director shall serve notice of his proposal, together with written reasons therefor,

- (d) in the case of a proposal to refuse to issue a licence, upon the applicant;
- (e) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee;
- (f) in the case of a proposal to refuse to make a registration, upon the applicant or licensee and upon the proposed registrant; and
- (g) in the case of a proposal to revoke a registration, upon the registrant and the licensee of the motor vehicle inspection station in which the registrant is employed.

Notice

(2) A notice under subsection 1 shall inform the applicant, licensee, registrant or proposed registrant, as the case may be, that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Director and the Board requiring a hearing by the Board and he may so require such a hearing.

Powers of Director where no hearing

(3) Where the applicant, licensee, registrant or proposed registrant does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of Board where hearing

(4) Where the applicant, licensee, registrant or proposed registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Extension of time for requiring hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the applicant, licensee, registrant or proposed registrant, under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee, registrant or proposed registrant, pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation of licence pending renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the

licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

58i.—(1) The Director, the applicant, licensee, registrant ^{Parties} or proposed registrant who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 58g or 58h shall ^{Notice of hearing} afford the applicant, licensee, registrant or proposed registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or for the registration or continuation of the registration, as the case may be.

(3) Any party to proceedings under section 58g or 58h shall be afforded an opportunity to examine before the ^{Examination of documentary evidence} hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing ^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The* ^{1971. c. 47} *Statutory Powers Procedure Act, 1971*.

Only mem-
bers at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

(9) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled
to be heard

(11) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(12) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service
of notice

58j. Except where otherwise provided, any notice required by sections 58 to 58m to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

58*k*.—(1) The Minister may appoint one or more persons^{Appointment of inspectors} as inspectors for the purposes of sections 58 to 58*m* and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed^{Certificate of appointment} under subsection 1 a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request.

(3) An inspector may at all reasonable times inspect^{Powers of inspectors} the premises, operations and all records of all motor vehicle inspection stations to ensure that the provisions of sections 58 to 58*m* and the regulations are complied with.

(4) Upon an inspection under this section, the inspector^{Idem} may upon giving a receipt therefor remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the motor vehicle inspection station.

(5) Any copy made as provided in subsection 4 and purporting to be certified by an inspector is admissible^{Admissibility of copies} in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or with-^{Obstruction}hold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

58*l*.—(1) Any person who contravenes any provision of^{Penalty} sections 58 to 58*k* or the regulations made under section 58*m* is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

(2) Any person who makes a false statement in a safety^{Idem} standards certificate is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

58*m*. The Lieutenant Governor in Council may make^{Regulations} regulations,

- (a) prescribing the form and content of safety standards certificates;

- (b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate;
- (c) governing the safety, equipment, premises, maintenance and operation of motor vehicle inspection stations;
- (d) prescribing forms for the purposes of sections 58 to 58*m* and providing for their use;
- (e) prescribing conditions that shall attach to motor vehicle inspection station licences or the registrations of motor vehicle inspection mechanics or any class of either of them;
- (f) classifying motor vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 58 to 58*m*;
- (g) prescribing fees that shall be paid upon applications for motor vehicle inspection station licences and upon the issuance of such licences or renewals thereof and upon applications for and the registration of motor vehicle inspection mechanics;
- (h) requiring that safety standards certificates shall be issued only in the form provided by the Ministry and prescribing the amount that shall be paid to the Ministry for forms of such certificates;
- (i) prescribing the books, records and accounts that shall be kept by licensees;
- (j) governing the reports and returns that shall be made to the Director by licensees and registrants;
- (k) prescribing the qualifications of motor vehicle inspection mechanics;
- (l) prescribing other duties of inspectors;
- (m) prescribing the form, size and content of signs that identify motor vehicle inspection stations and governing the use of such signs;
- (n) requiring and governing the return to the Ministry of unused forms of safety standards certificates and providing for refunds of amounts paid for such forms of certificates;

- (o) requiring and governing the return to the Ministry of signs provided by the Ministry to identify motor vehicle inspection stations.

9. The said Act is amended by adding thereto the following^{s. 128a, enacted} section:

128a.—(1) The council of a municipality may by by-law^{Prohibiting commercial vehicles in left lane} prohibit the operation of a commercial motor vehicle other than a bus in the left lane of any highway under its jurisdiction that has three or more lanes for traffic in each direction and on which the maximum speed limit is fifty miles per hour or more.

(2) A by-law passed pursuant to subsection 1 does not^{When prohibition does not apply} apply to the use of the left lane of a highway by a commercial motor vehicle,

(a) that is being used for the maintenance or construction of the highway; or

(b) in an emergency.

(3) Where the council of a municipality passes a by-law^{Signs} pursuant to subsection 1, the municipality shall erect signs over the left lane of the highway governed by the by-law so located that they can be seen by the drivers of commercial motor vehicles entering the highway from connecting or intersecting highways.

10. This Act comes into force on a day to be named by the^{Commencement} Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Highway Traffic Amendment*^{Short title} Act, 1973 (No. 2).

BILL 260

An Act to amend
The Highway Traffic Act

1st Reading

December 3rd, 1973

2nd Reading

December 6th, 1973

3rd Reading

December 12th, 1973

THE HON. G. CARTON
Minister of Transportation and
Communications

CA20N-*Procedural*
XB
-B56

BILL 261

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Executive Council Act

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



EXPLANATORY NOTES

SECTION 1. The amendments increase the salaries of members of the Executive Council with portfolio from \$15,000 to \$18,000 and without portfolio from \$5,000 to \$7,500 and increase the additional salary of the Premier from \$5,000 to \$7,000.

SECTION 2. Self-explanatory.

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, ^{s. 3 (1), re-enacted} being chapter 153 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor:
 - (1) The annual salary of every minister with portfolio ^{Salaries} is \$18,000.
 - (2) Subsection 2 of the said section 3 is amended by striking ^{s. 3 (2), amended} out “\$5,000 per annum” in the second and third lines and inserting in lieu thereof “\$7,000 per annum”.
 - (3) Subsection 3 of the said section 3 is amended by striking ^{s. 3 (3), amended} out “\$5,000” in the second line and inserting in lieu thereof “\$7,500”.
2. The said Act is amended by adding thereto the following ^{s. 3a, enacted} section:

3a.—(1) Every minister of the Crown with portfolio ^{Cost of accommodation in Toronto} whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

(2) Every Parliamentary Assistant shall be paid the ^{Expenses of Parliamentary Assistants} expenses actually and reasonably incurred by him in carrying out his duties as a Parliamentary Assistant.
3. This Act comes into force on the 1st day of January, 1974. ^{Commencement}
4. This Act may be cited as *The Executive Council Amendment Act, 1973*. ^{Short title}

BILL 261

An Act to amend
The Executive Council Act

1st Reading

December 3rd, 1973

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

(Government Bill)

CA20N. 1

XB

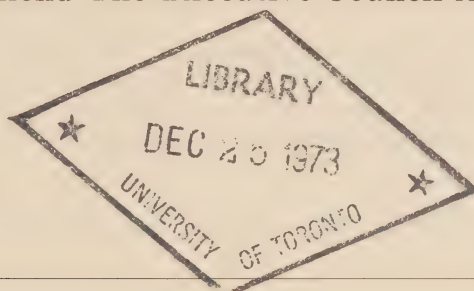
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BILL 261

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Executive Council Act



THE HON. E. A. WINKLER
Chairman Management Board of Cabinet

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, ^{s. 3 (1), re-enacted} being chapter 153 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio ^{Salaries} is \$18,000.

(2) Subsection 2 of the said section 3 is amended by striking ^{s. 3 (2), amended} out "\$5,000 per annum" in the second and third lines and inserting in lieu thereof "\$7,000 per annum".

(3) Subsection 3 of the said section 3 is amended by striking ^{s. 3 (3), amended} out "\$5,000" in the second line and inserting in lieu thereof "\$7,500".

2. The said Act is amended by adding thereto the following ^{s. 3a, enacted} section:

3a.—(1) Every minister of the Crown with portfolio ^{Cost of accommoda-} whose principal residence is outside The Municipality of ^{tion in} Metropolitan Toronto shall be paid the actual cost of his ^{Toronto} accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

(2) Every Parliamentary Assistant shall be paid the ^{Expenses of} expenses actually and reasonably incurred by him in carrying ^{Parlia-} out his duties as a Parliamentary Assistant. ^{mentary} ^{Assistants}

3. This Act comes into force on the 1st day of January, 1974. ^{Commence-} ^{ment}

4. This Act may be cited as *The Executive Council Amendment* ^{Short title} *Act, 1973*.

An Act to amend
The Executive Council Act

1st Reading

December 3rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 4th, 1973

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

CAZON *Assembly*
XB
-B56

Government
Publications

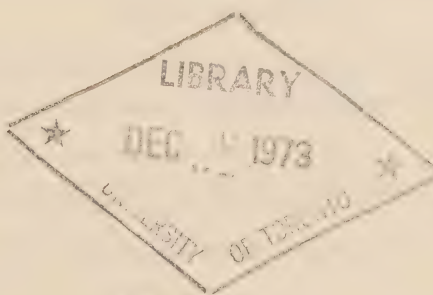
BILL 262

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Legislative Assembly Act

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The members' indemnity is increased from \$12,000 to \$15,000 and the allowance for expenses from \$6,000 to \$7,500.

SECTION 2. A representation allowance is provided,

1. for the Speaker of \$2,000;
2. for the Leader of the Third Party of \$1,500.

The representation allowance is increased,

1. for the Premier from \$2,000 to \$4,500;
2. for the Leader of the Opposition from \$2,000 to \$3,000.

The representation allowance for other Ministers is discontinued.

BILL 262

1973

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$12,000” in the first line and inserting in lieu thereof “\$15,000”.^{s. 60 (1), amended}
- (2) Subsection 2 of the said section 60 is amended by striking out “\$6,000” in the first line and inserting in lieu thereof “\$7,500”.^{s. 60 (2), amended}
- (3) Subsection 5 of the said section 60 is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$1,250”.^{s. 60 (5), amended}
2. Section 61 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 4, is repealed and the following substituted therefor:^{s. 61, re-enacted}
 61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,^{Allowance for expenses of representation}
 - (a) to the Premier, at the rate of \$4,500 per annum;
 - (b) to the Leader of the Opposition, at the rate of \$3,000 per annum;
 - (c) to the Speaker, at the rate of \$2,000 per annum; and
 - (d) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,500 per annum.

s. 62 (1),
re-enacted

3. Subsection 1 of section 62 of the said Act is repealed and the following substituted therefor:

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$9,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$18,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,000 per annum.

s. 62a,
enacted

4. The said Act is amended by adding thereto the following section:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

s. 63,
re-enacted

5. Section 63 of the said Act is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and chairmen
of standing
committees,
indemnity

63.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$5,000 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$3,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$2,000 per annum.

SECTION 3. Indemnities are increased,

1. for the Speaker from \$5,000 to \$9,000;
2. for the Leader of the Opposition from \$15,000 to \$18,000;
3. for the leader of a party having twelve or more members from \$4,000 to \$5,000.

SECTION 4. Provision is made for the payment of the actual cost of accommodation in Toronto, not to exceed \$6,000 a year, for the Leader of the Opposition and leaders of recognized parties in the Assembly where they reside outside Metropolitan Toronto.

SECTION 5. The indemnities of the Chairman and Deputy Chairman of the Whole House and chairmen of standing committees are increased by \$1,000 and will be paid on an annual basis rather than sessional.

SECTION 6. Indemnities to whips are increased and provision is made for an increase in the number of whips to whom indemnities may be paid.

The following indemnities are increased:

1. Chief Government Whip \$2,000 to \$5,000.
2. Deputy Government Whip \$1,000 to \$3,000.
3. Chief Opposition Whip \$1,000 to \$3,000.
4. Chief Third Party Whip \$1,000 to \$2,500.

In addition provision is made for up to three Government Whips, two Official Opposition Whips and one Third Party Whip at \$2,000 per annum.

SECTION 7. Provision is 'made for the members' expenses for transportation, meals and gratuities while travelling on business as a member and for the cost of accommodation in Toronto while attending as a member.

(2) Every indemnity under this section shall be paid ^{When paid} on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

6. Subsection 1 of section 64 of the said Act is repealed and ^{s. 64 (1), re-enacted} the following substituted therefor:

(1) In addition to his indemnity as a member, an in- ^{Whips, indemnities} demnity shall be paid,

(a) to the Chief Government Whip, at the rate of \$5,000 per annum;

(b) to the Deputy Government Whip, at the rate of \$3,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,000 per annum;

(d) to the Chief Opposition Whip, at the rate of \$3,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,000 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$2,500 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,000 per annum.

7. Section 65 of the said Act is repealed and the following sub- ^{s. 65, re-enacted} stituted therefor:

65.—(1) There shall be paid to each member of the ^{Members' mileage allowance} Assembly for transportation by private automobile while on business as a member of the Assembly between the member's residence and the seat of government at Toronto or within his electoral district an allowance of 15 cents for every mile of such transportation.

(2) Where a member of the Assembly travels between ^{Expenses, air travel} his residence and the seat of government at Toronto while

on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, four of which may be used for such round trip travel for the member's spouse.

train and
bus

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than four such round trips for the member's spouse in any year and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation.

within
electoral
district

(4) There shall be paid to each member of the Assembly an allowance equal to the actual cost of travel by bus or train by the member while on business as a member of the Assembly within the electoral district represented by the member.

air travel
within
certain
electoral
districts

(5) The members of the Assembly representing the electoral districts of Cochrane North, Kenora, Rainy River and Thunder Bay shall each be paid the actual cost of transportation by airplane within such electoral districts not exceeding \$2,500 to each of them in any year.

air travel
from
residence or
seat of
government
in Ontario

(6) There shall be paid to each member of the Assembly the actual cost of the member's round trip economy flight by scheduled airline while travelling on business as a member of the Assembly on not more than six such round trips within Ontario in any year from the member's residence or the seat of government at Toronto.

accommoda-
tion

(7) There shall be paid to each member of the Assembly other than,

- (a) the Ministers of the Crown with portfolio;
- (b) the Speaker;
- (c) the Leader of the Opposition;
- (d) the leader of a party, other than the Premier or the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly; and
- (e) members representing the electoral districts within The Municipality of Metropolitan Toronto,

SECTION 8. Self-explanatory.

the actual cost of accommodation while attending as members of the Assembly at the seat of government at Toronto not exceeding \$3,000 in any year.

(8) A member is not entitled to any allowance for expenses incurred by him after the day a writ for a general election is issued until he is declared elected or, if a recount is applied for, until he is declared elected following the recount. No expenses following writ of election

8. The said Act is amended by adding thereto the following section: s. 67, enacted

67. A member of the Assembly,

Severance allowance

(a) who is a candidate for re-election at a general election of members of the Assembly and who having been renominated by the party of which he is a member is not re-elected; or

(b) who is unable to accept the nomination of his party to be a candidate at a general election of members of the Assembly as a result of a substantial change in the boundaries of the electoral district represented by the member or where such electoral district ceases to exist,

shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force immediately before the calling of the general election.

9.—(1) This Act, except sections 2, 3, 4, 5, 6, 7 and 8, shall be deemed to have come into force on the 1st day of October, 1973. Commencement

(2) Sections 2, 3, 4, 5, 6, 7 and 8 come into force on the 1st day of January, 1974. Idem

10. This Act may be cited as *The Legislative Assembly Amendment Act, 1973*. Short title

Bills 202

An Act to amend
The Legislative Assembly Act

1st Reading

December 3rd, 1973

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

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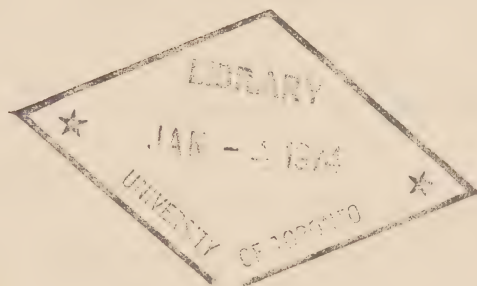
BILL 262

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Legislative Assembly Act

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$12,000” in the first line and inserting in lieu thereof “\$15,000”. ^{s. 60 (1), amended}
- (2) Subsection 2 of the said section 60 is amended by striking out “\$6,000” in the first line and inserting in lieu thereof “\$7,500”. ^{s. 60 (2), amended}
- (3) Subsection 5 of the said section 60 is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$1,250”. ^{s. 60 (5), amended}
2. Section 61 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 4, is repealed and the following substituted therefor: ^{s. 61, re-enacted}

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation, ^{Allowance for expenses of representation}

 - (a) to the Premier, at the rate of \$4,500 per annum;
 - (b) to the Leader of the Opposition, at the rate of \$3,000 per annum;
 - (c) to the Speaker, at the rate of \$2,000 per annum; and
 - (d) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,500 per annum.

s. 62 (1),
re-enacted

- 3.** Subsection 1 of section 62 of the said Act is repealed and the following substituted therefor:

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$9,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$18,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,000 per annum.

s. 62a,
enacted

- 4.** The said Act is amended by adding thereto the following section:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,000 in any year.

s. 63,
re-enacted

- 5.** Section 63 of the said Act is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and chairmen
of standing
committees,
indemnity

63.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$5,000 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$3,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$2,000 per annum.

(2) Every indemnity under this section shall be paid ^{When paid} on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

6. Subsection 1 of section 64 of the said Act is repealed and ^{s. 64 (1), re-enacted} the following substituted therefor:

(1) In addition to his indemnity as a member, an in- ^{Whips, indemnities} demnity shall be paid,

(a) to the Chief Government Whip, at the rate of \$5,000 per annum;

(b) to the Deputy Government Whip, at the rate of \$3,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,000 per annum;

(d) to the Chief Opposition Whip, at the rate of \$3,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,000 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$2,500 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,000 per annum.

7. Section 65 of the said Act is repealed and the following sub- ^{s. 65, re-enacted} stituted therefor:

65.—(1) There shall be paid to each member of the ^{Members' mileage allowance} Assembly for transportation by private automobile while on business as a member of the Assembly between the member's residence and the seat of government at Toronto or within his electoral district an allowance of 15 cents for every mile of such transportation.

(2) Where a member of the Assembly travels between ^{Expenses, air travel} his residence and the seat of government at Toronto while

on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, four of which may be used for such round trip travel for the member's spouse.

train and
bus

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than four such round trips for the member's spouse in any year and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation.

within
electoral
district

(4) There shall be paid to each member of the Assembly an allowance equal to the actual cost of travel by bus or train by the member while on business as a member of the Assembly within the electoral district represented by the member.

air travel
within
certain
electoral
districts

(5) The members of the Assembly representing the electoral districts of Cochrane North, Kenora, Rainy River and Thunder Bay shall each be paid the actual cost of transportation by airplane within such electoral districts not exceeding \$2,500 to each of them in any year.

air travel
from
residence or
seat of
government
in Ontario

(6) There shall be paid to each member of the Assembly the actual cost of the member's round trip economy flight by scheduled airline while travelling on business as a member of the Assembly on not more than six such round trips within Ontario in any year from the member's residence or the seat of government at Toronto.

accommoda-
tion

(7) There shall be paid to each member of the Assembly other than,

- (a) the Ministers of the Crown with portfolio;
- (b) the Speaker;
- (c) the Leader of the Opposition;
- (d) the leader of a party, other than the Premier or the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly; and
- (e) members representing the electoral districts within The Municipality of Metropolitan Toronto,

the actual cost of accommodation while attending as members of the Assembly at the seat of government at Toronto not exceeding \$3,000 in any year.

(8) A member is not entitled to any allowance for expenses incurred by him after the day a writ for a general election is issued until he is declared elected or, if a recount is applied for, until he is declared elected following the recount. No expenses following writ of election

8. The said Act is amended by adding thereto the following s. 67, enacted section:

67. A member of the Assembly, Severance allowance

- (a) who is a candidate for re-election at a general election of members of the Assembly and who having been renominated by the party of which he is a member is not re-elected; or
- (b) who is unable to accept the nomination of his party to be a candidate at a general election of members of the Assembly as a result of a substantial change in the boundaries of the electoral district represented by the member or where such electoral district ceases to exist,

shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force immediately before the calling of the general election.

9.—(1) This Act, except sections 2, 3, 4, 5, 6, 7 and 8, shall Commence-ment be deemed to have come into force on the 1st day of October, 1973.

(2) Sections 2, 3, 4, 5, 6, 7 and 8 come into force on the Idem 1st day of January, 1974.

10. This Act may be cited as *The Legislative Assembly Amendment Act, 1973*. Short title

BILL 262

An Act to amend
The Legislative Assembly Act

1st Reading

December 3rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 4th, 1973

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

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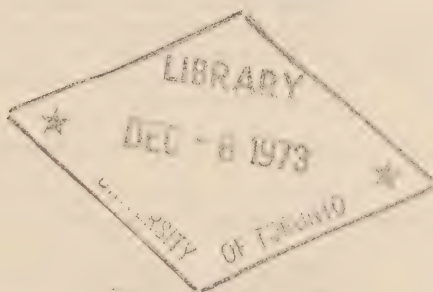
BILL 263

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**The Legislative Assembly Retirement
Allowances Act, 1973**

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



EXPLANATORY NOTES

The present Act is revised to incorporate the recommendations of the Ontario Commission on the Legislature with respect to pension benefits for members and ministers.

Part I includes the present provisions amended to include,

1. reference to Parliamentary Assistants;
2. reference to spouse instead of widow;
3. suspension of an allowance only while the person is a member;
4. changes made necessary by reason of the new pension scheme in Part II.

Part II sets up a new pension plan which will apply to all new members and to all present members who opt for the new plan. The new plan provides for the following:

1. A member (including a minister) will be entitled to an allowance when he has at least five years service and his years of service plus his age total sixty years.
2. Contributions will be made at 7 per cent of the member's remuneration which will include his indemnity as a member and any additional indemnity or salary payable to him as Minister, Parliamentary Assistant, Speaker, Leader of the Opposition, leader of the minority party, Chairman or Deputy Chairman of the Committee of the Whole House, chairman of a standing committee or Whip.
3. An allowance will be based on any five fiscal years of service during which his remuneration was highest.
4. The maximum allowance shall not exceed 75 per cent of the average annual remuneration received over the five fiscal years during which his remuneration was highest.
5. A guarantee for present members who opt for the new plan is provided in section 16.
6. An allowance will be suspended only while the person is a member.
7. Provision is made for a deferred or an immediate reduced allowance where the member does not meet the sixty year rule.
8. Provision is also made for an allowance to the spouse of a deceased member.

Part III includes provisions now in the Act which apply in relation to both Parts I and II.

Section 23 is new and permits a former member of the House of Commons who is not receiving or entitled to an allowance as a member of the House of Commons to receive credit under this Act represented by an amount equal to the refund received from the Federal Account being paid into the Account under this Act.

BILL 263

1973

The Legislative Assembly Retirement Allowances Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "allowance" means an allowance under this Act;
- (b) "member" means a member of the Assembly;
R.S.O. 1970, c. 241, s. 1, cls. *a*, *c*.
- (c) "Minister" means the Minister of Government Services or such other member of the Executive Council as the Lieutenant Governor in Council may designate; *New*.
- (d) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. R.S.O. 1970, c. 241, s. 1, cl. *g*, *amended*.

2. This Act shall be administered by the Minister. R.S.O. 1970, c. 241, s. 2; 1972, c. 1, s. 75. Administra-
tion of Act

PART I

3. In this Part,

Interpre-
tation

- (a) "indemnity" means the indemnity payable to a person as a member under *The Legislative Assembly Act*; R.S.O. 1970,
c. 240
- (b) "minister" means a member of the Executive Council, and includes for the purposes of Part I a parliamentary assistant, the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, a

parliamentary assistant, the Speaker or the Leader of the Opposition;

(c) "salary" means,

(i) the annual salary paid to a minister or a parliamentary assistant under *The Executive Council Act*, or

(ii) the additional indemnity of the Speaker or the Leader of the Opposition under *The Legislative Assembly Act*;

(d) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid. R.S.O. 1970, c. 241, s. 1, cls. b, d, e, f, *amended*.

Application
of Part

4. This Part applies to a person who is a member on the day this Act comes into force and a person who was a member before such date, but does not apply to a member who has elected to contribute under Part II. *New.*

Current con-
tributions,
members

5.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act.

Maximum
contribu-
tions,
members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity. R.S.O. 1970, c. 241, s. 4.

Eligibility
for allow-
ance,
members

6.—(1) A member who has contributed in respect of five or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member.

Idem

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4.

Calculation
of allowance
at age 55,
members

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

(4) Where a person who is otherwise eligible for an allowance under this section, but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Calculation of allowance under age 55, members

(5) Subsection 1 applies to persons who are or were members on or after the 23rd day of July, 1968, and, in the case of persons who were members before such date but are or were not members after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 6.

Application of subs. 1

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 7 (1), *amended*.

Suspension of allowance, members

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 7 (2).

Recalculation of allowance, members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Part. R.S.O. 1970, c. 241, s. 8 (1), *amended*.

Current contributions, ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a ministry. R.S.O. 1970, c. 241, s. 8 (2); 1972, c. 1, s. 2.

Maximum contributions, ministers

9.—(1) A minister who has contributed under section 8 or 25 and who has contributed in respect of five or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member.

Eligibility for allowance, ministers

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4.

Idem

Calculation
of allowance
at age 55,
ministers

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a ministry.

Calculation
of allowance
under age 55,
ministers

(4) Where a person who is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Application
of subs. 1

(5) Subsection 1 applies to persons who are or were ministers on or after the 23rd day of July, 1968, and, in the case of persons who were ministers before such date but are or were not ministers after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 10; 1972, c. 1, s. 2.

Suspension
of allowance,
ministers

10.—(1) An allowance under section 9 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 11 (1), *amended*.

Recalculation
of allowance,
ministers

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 9 having regard to any additional contributory service as a minister performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 11 (2).

Spouse's
allowance

11.—(1) The spouse of a person who at the time of his or her death was in receipt of an allowance, or who was entitled to an allowance or whose allowance has been suspended under section 7 or 10, shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death or to which he or she was entitled or that was suspended and recalculated under section 7 or 10, as the case may be.

Idem

(2) The spouse of a person,

(a) who had elected under section 6 or 9 to take a deferred allowance at age fifty-five; or

(b) who was eligible to make an election under section 6 or 9 but died before making such election; or

- (c) who died before attaining the age of fifty-five years while still contributing and who was otherwise eligible for an allowance,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or the spouse may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the prescribed tables, that the person would have been entitled to receive at the time of the spouse's election.

(3) Subsections 1 and 2 do not apply to the spouse of ^{Exception} a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;
- (b) if the spouse married the person after he or she was in receipt of the allowance; or
- (c) after the spouse remarries. R.S.O. 1970, c. 241, s. 12, *amended*.

12.—(1) A person who makes contributions under this ^{Refunds} Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

(2) Where a person who is in receipt of an allowance ^{Idem} dies and no person becomes entitled to an allowance under section 11, a refund shall be paid to his personal representative equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. R.S.O. 1970, c. 241, s. 13, *amended*.

(3) A refund under subsection 1 to a former contributor ^{Application} shall be made only after the Minister receives an application therefor in writing from the former contributor. *New*.

Reinstatement after refund

13. A person who has received a refund under subsection 1 of section 12 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. R.S.O. 1970, c. 241, s. 14.

PART II

Interpretation

14. In this Part,

(a) “average annual remuneration” means the average annual remuneration of a person during any five fiscal years of his service, which years need not be consecutive, during which his remuneration was highest;

R.S.O. 1970,
c. 240

(b) “remuneration” means the indemnity paid to a person as a member under *The Legislative Assembly Act* together with all other indemnities and salaries paid to such person under that Act and *The Executive Council Act*;

R.S.O. 1970,
c. 153

(c) “service” means service in respect of which contributions have been made,

(i) under this Part, and

(ii) under Part I in the case of a member who has made an election under section 16. *New.*

Application of Part

15. This Part applies to a member who becomes a member after the day this Act comes into force and to any member who is a member on that day and who elects to contribute under this Part. *New.*

Option of present members, guarantee

16.—(1) A member who was a member on the day this Act comes into force may elect to contribute under this Part by giving notice in writing to the Minister within one year after such day, and, upon the effective date of such election, Part I ceases to apply to him and his contributions thereafter shall be in accordance with this Part, provided that when a member or his or her spouse becomes entitled to an allowance, the allowance shall be computed, subject to subsections 2, 3, 4 and 5, under Part I and Part II and the member or his or her spouse is entitled to the highest allowance so computed.

Calculation under Part I

(2) A person who becomes entitled to an allowance under Part II may elect to have the calculation of his annual allowance under Part I based on,

- (a) the contributions the member would have made if he had continued to contribute under Part I; or
- (b) the amount calculated under clause *a* plus the annual amount of an annuity that would be provided, in accordance with the regulations, by the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I.

(3) When a person becomes entitled to an allowance under Part II and the member's age at the time of his retirement or death, as the case may be, is less than fifty-five years, the allowance under Part I shall be calculated as an immediate allowance of a reduced amount in accordance with such age.

(4) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I as calculated under clause *a* of subsection 2, the person shall receive a refund of the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I.

(5) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I, the person shall receive a refund of any contributions made under Part II in relation to any part of the member's remuneration that is not included in the member's indemnity and salary as defined in Part I. *New.*

17. There shall be deducted from the remuneration payable to a member an amount equal to 7 per cent thereof as such member's contribution under this Part. *New.*

18.—(1) A person who has contributed in respect of at least five years of service and who has credit in the Legislative Assembly Retirement Allowances Account for a number of years of service that, when added to his age on the date he ceases to be a member, totals at least sixty years, is entitled to an annual allowance during his lifetime upon his ceasing to be a member.

(2) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule in subsection 1 on the date he ceases to be a

member, he may elect to take a deferred annual allowance under subsection 3 at the age when he does satisfy such rule or an immediate annual allowance of a reduced amount under subsection 4.

Calculation
of allowance

(3) The amount of a person's annual allowance under this section shall be an amount equal to the sum of,

- (a) 4 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit up to and including the first ten years of such service; and
- (b) 3 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over ten years and up to and including twenty years of such service; and
- (c) $2\frac{1}{2}$ per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over twenty years and up to and including twenty-two years of such service,

but the amount of his allowance shall not exceed 75 per cent of his average annual remuneration.

Computation
of reduced
allowance

(4) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule elects to take an immediate annual allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Where
service less
than five
fiscal years

(5) Where a person who is entitled to an allowance has been a contributor for less than five fiscal years, the allowance shall be based upon his average annual remuneration during the fiscal years that he was a contributor.
New.

Part of
a year

(6) Where a calculation under this section involves part of a year, the calculation in respect of that part shall be made on a monthly basis, and,

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month.

19.—(1) Where a person who is receiving an allowance ^{Spouse's allowance} dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death.

(2) Where a member dies leaving a spouse, the spouse ^{Computation of allowance} shall be paid during his or her lifetime an allowance equal to the greater of,

- (a) 25 per cent of the annual indemnity of the member in effect immediately before his or her death; or
- (b) one-half of the allowance that the member had earned to the date of his or her death computed in the manner provided in section 18 but based on the deceased's service to the time of his or her death.

(3) The spouse, Option

- (a) of a person who had elected under section 18 to take a deferred allowance at the age when he or she would satisfy the sixty-year rule but who died before satisfying such rule; or
- (b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 18 but died before making such election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have satisfied the sixty-year rule had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

(4) Subsections 1, 2 and 3 do not apply to the spouse ^{Exception} of a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;

(b) if the spouse married the person after he or she was in receipt of an allowance; or

(c) after the spouse remarries. *New.*

Suspension
of allowance

20.—(1) An allowance under section 18 shall be suspended while the person entitled thereto is a member.

Recalculation
of allowance

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 18 having regard to any additional contributory service as a member performed while his allowance was suspended. *New.*

Refunds

21.—(1) A person who makes contributions under this Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

Idem

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 19, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

Application

(3) A refund under subsection 1 to a former contributor shall be made only after the Minister receives an application therefor in writing from the former contributor. *New.*

Reinstatement
after refund

22. A person who has received a refund under subsection 1 of section 21 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. *New.*

PART III

Service as
member of
House of
Commons

23.—(1) Where a former member of the House of Commons of Canada is a contributor under this Act and provided he is not entitled to or receiving an allowance in respect of his service as a member of the House of Commons of Canada, he may count such service for the purposes of

this Act if he pays into the Legislative Assembly Retirement Allowances Account an amount equal to the amount he received as a refund of his contributions to the account maintained to provide superannuation benefits for members of the House of Commons of Canada, with interest at the rate of 6 per cent per annum.

(2) Where an amount is paid into the Account under subsection 1, a contributor under Part 1 is entitled to have such amount, exclusive of interest, credited to his contributions under Part I, and a contributor under Part II is entitled to count, for the purposes of Part II, the period of service represented by the amount paid into the Account.
New.

24.—(1) A member who was not a member on the 1st day of April, 1960, may, within ninety days from the day upon which the Assembly first is in session after he becomes a member, elect in writing to contribute under this Act in respect of any part of any period of service as a member previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election.

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 5.

25.—(1) A minister who was not a minister on the 1st day of April, 1960, may, within ninety days from the day upon which he becomes a minister, elect in writing to contribute under this Act in respect of any part of any period of service as a minister previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election.

Establish-
ment of
credit,
ministers

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment
payments,
ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 9.

Payments
into and
out of
Consolidated
Revenue Fund

26. All contributions and interest received under this Act shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. R.S.O. 1970, c. 241, s. 15.

Special
account

27.—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

Annual
payments
into special
account

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council may direct to assist in defraying the cost of allowances under this Act. R.S.O. 1970, c. 241, s. 16.

Application
of
R.S.O. 1970,
c. 387

28. Section 32 of *The Public Service Superannuation Act* applies *mutatis mutandis* to any moneys payable to any person under this Act. R.S.O. 1970, c. 241, s. 17.

Recipients
of allowances,
etc., not dis-
qualified
R.S.O. 1970,
c. 240

29. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein. R.S.O. 1970, c. 241, s. 18.

Teachers'
rights not
affected
R.S.O. 1970,
c. 455

30. Notwithstanding subclause xv of clause e of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*. R.S.O. 1970, c. 241, s. 19.

31. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 24 and subsection 3 of section 25;
- (b) prescribing tables for the purposes of subsection 4 of section 6, subsection 4 of section 9, subsection 4 of section 18 and subsection 3 of section 19. R.S.O. 1970, c. 241, s. 20, *amended*.
- (c) respecting annuities under clause *b* of subsection 2 of section 16. *New*.

32.—(1) *The Legislative Assembly Retirement Allowances Act*, being chapter 241 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

(2) Section 75 of *The Government Reorganization Act, 1972*, ^{Idem} being chapter 1, is repealed.

33. This Act shall be deemed to have come into force ^{Commence-} on the 1st day of October, 1973. ^{ment}

34. This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1973*. ^{Short title}

The Legislative Assembly
Retirement Allowances Act, 1973

1st Reading

December 3rd, 1973

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

(Government Bill)

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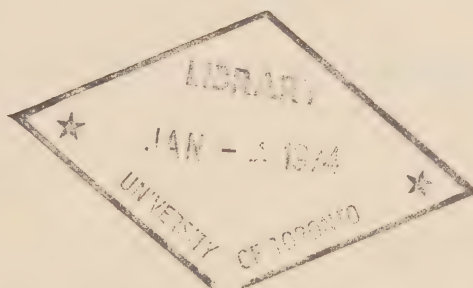
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The Legislative Assembly Retirement Allowances Act, 1973

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



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BILL 263

1973

The Legislative Assembly Retirement Allowances Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "allowance" means an allowance under this Act;
- (b) "member" means a member of the Assembly;
R.S.O. 1970, c. 241, s. 1, cls. *a*, *c*.
- (c) "Minister" means the Minister of Government Services or such other member of the Executive Council as the Lieutenant Governor in Council may designate; *New*.
- (d) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. R.S.O. 1970, c. 241, s. 1, cl. *g*, *amended*.

2. This Act shall be administered by the Minister. R.S.O. 1970, c. 241, s. 2; 1972, c. 1, s. 75.

Administra-
tion of Act

PART I

3. In this Part,

Interpre-
tation

- (a) "indemnity" means the indemnity payable to a person as a member under *The Legislative Assembly Act*; R.S.O. 1970, c. 240
- (b) "minister" means a member of the Executive Council, and includes for the purposes of Part I a parliamentary assistant, the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, a

parliamentary assistant, the Speaker or the Leader of the Opposition;

(c) "salary" means,

R.S.O. 1970,
c. 153

(i) the annual salary paid to a minister or a parliamentary assistant under *The Executive Council Act*, or

(ii) the additional indemnity of the Speaker or the Leader of the Opposition under *The Legislative Assembly Act*;

(d) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid. R.S.O. 1970, c. 241, s. 1, cls. b, d, e, f, *amended*.

Application
of Part

4. This Part applies to a person who is a member on the day this Act comes into force and a person who was a member before such date, but does not apply to a member who has elected to contribute under Part II. *New*.

Current contribu-
tions, members

5.—(1) There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act.

Maximum contribu-
tions, members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity. R.S.O. 1970, c. 241, s. 4.

Eligibility for allow-
ance, members

6.—(1) A member who has contributed in respect of five or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member.

Idem

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4.

Calculation of allowance
at age 55, members

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

(4) Where a person who is otherwise eligible for an allowance under this section, but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations. Calculation of allowance under age 55, members

(5) Subsection 1 applies to persons who are or were members on or after the 23rd day of July, 1968, and, in the case of persons who were members before such date but are or were not members after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 6. Application of subs. 1

7.—(1) An allowance under section 6 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 7 (1), *amended*. Suspension of allowance, members

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 7 (2). Recalculation of allowance, members

8.—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Part. R.S.O. 1970, c. 241, s. 8 (1), *amended*. Current contributions, ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a ministry. R.S.O. 1970, c. 241, s. 8 (2); 1972, c. 1, s. 2. Maximum contributions, ministers

9.—(1) A minister who has contributed under section 8 or 25 and who has contributed in respect of five or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a minister and a member. Eligibility for allowance, ministers

(2) Where a person is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years, he may elect to take an allowance under subsection 3 at age fifty-five or an immediate allowance of a reduced amount under subsection 4. Idem

Calculation
of allowance
at age 55,
ministers

(3) The amount of a person's annual allowance under this section shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a ministry.

Calculation
of allowance
under age 55,
ministers

(4) Where a person who is otherwise eligible for an allowance under this section but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Application
of subs. 1

(5) Subsection 1 applies to persons who are or were ministers on or after the 23rd day of July, 1968, and, in the case of persons who were ministers before such date but are or were not ministers after such date, section 6 of *The Legislative Assembly Retirement Allowances Act* as it was in force immediately before such date applies. R.S.O. 1970, c. 241, s. 10; 1972, c. 1, s. 2.

Suspension
of allowance,
ministers

10.—(1) An allowance under section 9 shall be suspended while the person entitled thereto is a member. R.S.O. 1970, c. 241, s. 11 (1), *amended*.

Recalculation
of allowance,
ministers

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 9 having regard to any additional contributory service as a minister performed while his allowance was suspended. R.S.O. 1970, c. 241, s. 11 (2).

Spouse's
allowance

11.—(1) The spouse of a person who at the time of his or her death was in receipt of an allowance, or who was entitled to an allowance or whose allowance has been suspended under section 7 or 10, shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death or to which he or she was entitled or that was suspended and recalculated under section 7 or 10, as the case may be.

Idem

(2) The spouse of a person,

(a) who had elected under section 6 or 9 to take a deferred allowance at age fifty-five; or

(b) who was eligible to make an election under section 6 or 9 but died before making such election; or

- (c) who died before attaining the age of fifty-five years while still contributing and who was otherwise eligible for an allowance,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or the spouse may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the prescribed tables, that the person would have been entitled to receive at the time of the spouse's election.

(3) Subsections 1 and 2 do not apply to the spouse of ^{Exception} a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;
- (b) if the spouse married the person after he or she was in receipt of the allowance; or
- (c) after the spouse remarries. R.S.O. 1970, c. 241, s. 12, *amended*.

12.—(1) A person who makes contributions under this ^{Refunds} Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

(2) Where a person who is in receipt of an allowance ^{Idem} dies and no person becomes entitled to an allowance under section 11, a refund shall be paid to his personal representative equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death. R.S.O. 1970, c. 241, s. 13, *amended*.

(3) A refund under subsection 1 to a former contributor ^{Application} shall be made only after the Minister receives an application therefor in writing from the former contributor. *New*.

Reinstatement after refund

13. A person who has received a refund under subsection 1 of section 12 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. R.S.O. 1970, c. 241, s. 14.

PART II

Interpretation

14. In this Part,

(a) "average annual remuneration" means the average annual remuneration of a person during any five fiscal years of his service, which years need not be consecutive, during which his remuneration was highest;

R.S.O. 1970, c. 240

(b) "remuneration" means the indemnity paid to a person as a member under *The Legislative Assembly Act* together with all other indemnities and salaries paid to such person under that Act and *The Executive Council Act*;

R.S.O. 1970, c. 153

(c) "service" means service in respect of which contributions have been made,

(i) under this Part, and

(ii) under Part I in the case of a member who has made an election under section 16. *New.*

Application of Part

15. This Part applies to a member who becomes a member after the day this Act comes into force and to any member who is a member on that day and who elects to contribute under this Part. *New.*

Option of present members, guarantee

16.—(1) A member who was a member on the day this Act comes into force may elect to contribute under this Part by giving notice in writing to the Minister within one year after such day, and, upon the effective date of such election, Part I ceases to apply to him and his contributions thereafter shall be in accordance with this Part, provided that when a member or his or her spouse becomes entitled to an allowance, the allowance shall be computed, subject to subsections 2, 3, 4 and 5, under Part I and Part II and the member or his or her spouse is entitled to the highest allowance so computed.

Calculation under Part I

(2) A person who becomes entitled to an allowance under Part II may elect to have the calculation of his annual allowance under Part I based on,

- (a) the contributions the member would have made if he had continued to contribute under Part I; or
- (b) the amount calculated under clause *a* plus the annual amount of an annuity that would be provided, in accordance with the regulations, by the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I.

(3) When a person becomes entitled to an allowance under Part II and the member's age at the time of his retirement or death, as the case may be, is less than fifty-five years, the allowance under Part I shall be calculated as an immediate allowance of a reduced amount in accordance with such age. Allowance where member under 55 years

(4) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I as calculated under clause *a* of subsection 2, the person shall receive a refund of the amount of the difference between the member's contributions under Part I and Part II in relation to his indemnity and salary as defined in Part I. Refund of certain contributions

(5) Where a member has elected to contribute under Part II and the person entitled to an allowance elects to receive an allowance under Part I, the person shall receive a refund of any contributions made under Part II in relation to any part of the member's remuneration that is not included in the member's indemnity and salary as defined in Part I. *New.* Idem

17. There shall be deducted from the remuneration payable to a member an amount equal to 7 per cent thereof as such member's contribution under this Part. *New.* Contributions

18.—(1) A person who has contributed in respect of at least five years of service and who has credit in the Legislative Assembly Retirement Allowances Account for a number of years of service that, when added to his age on the date he ceases to be a member, totals at least sixty years, is entitled to an annual allowance during his lifetime upon his ceasing to be a member. Eligibility for allowance, member

(2) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule in subsection 1 on the date he ceases to be a Deferred or reduced allowance

member, he may elect to take a deferred annual allowance under subsection 3 at the age when he does satisfy such rule or an immediate annual allowance of a reduced amount under subsection 4.

Calculation
of allowance

(3) The amount of a person's annual allowance under this section shall be an amount equal to the sum of,

- (a) 4 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit up to and including the first ten years of such service; and
- (b) 3 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over ten years and up to and including twenty years of such service; and
- (c) $2\frac{1}{2}$ per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over twenty years and up to and including twenty-two years of such service,

but the amount of his allowance shall not exceed 75 per cent of his average annual remuneration.

Computation
of reduced
allowance

(4) Where a person who has contributed in respect of at least five years of service but has not satisfied the sixty year rule elects to take an immediate annual allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 3 and then shall be reduced actuarially in accordance with the tables prescribed by the regulations.

Where
service less
than five
fiscal years

(5) Where a person who is entitled to an allowance has been a contributor for less than five fiscal years, the allowance shall be based upon his average annual remuneration during the fiscal years that he was a contributor.
New.

Part of
a year

(6) Where a calculation under this section involves part of a year, the calculation in respect of that part shall be made on a monthly basis, and,

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month.

19.—(1) Where a person who is receiving an allowance ^{Spouse's allowance} dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to one-half of the allowance that the person was receiving at the date of his or her death.

(2) Where a member dies leaving a spouse, the spouse ^{Computation of allowance} shall be paid during his or her lifetime an allowance equal to the greater of,

- (a) 25 per cent of the annual indemnity of the member in effect immediately before his or her death; or
- (b) one-half of the allowance that the member had earned to the date of his or her death computed in the manner provided in section 18 but based on the deceased's service to the time of his or her death.

(3) The spouse, Option

- (a) of a person who had elected under section 18 to take a deferred allowance at the age when he or she would satisfy the sixty-year rule but who died before satisfying such rule; or
- (b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 18 but died before making such election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have satisfied the sixty-year rule had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance to which the person would have been entitled at that time, or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to one-half the allowance, reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

(4) Subsections 1, 2 and 3 do not apply to the spouse ^{Exception} of a person,

- (a) if the spouse married the person after he or she attained the age of sixty-five years and the person died within one year of the marriage;

(b) if the spouse married the person after he or she was in receipt of an allowance; or

(c) after the spouse remarries. *New.*

Suspension
of allowance

20.—(1) An allowance under section 18 shall be suspended while the person entitled thereto is a member.

Recalculation
of
allowance

(2) Where a person whose allowance has been suspended under subsection 1 again ceases to be a member, his allowance shall be recalculated under section 18 having regard to any additional contributory service as a member performed while his allowance was suspended. *New.*

Refunds

21.—(1) A person who makes contributions under this Part and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, the same refund shall be paid to his personal representative.

Idem

(2) Where a person who is in receipt of an allowance dies and no person becomes entitled to an allowance under section 19, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

Application

(3) A refund under subsection 1 to a former contributor shall be made only after the Minister receives an application therefor in writing from the former contributor. *New.*

Reinstatement
after
refund

22. A person who has received a refund under subsection 1 of section 21 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid. *New.*

PART III

Service as
member of
House of
Commons

23.—(1) Where a former member of the House of Commons of Canada is a contributor under this Act and provided he is not entitled to or receiving an allowance in respect of his service as a member of the House of Commons of Canada, he may count such service for the purposes of

this Act if he pays into the Legislative Assembly Retirement Allowances Account an amount equal to the amount he received as a refund of his contributions to the account maintained to provide superannuation benefits for members of the House of Commons of Canada, with interest at the rate of 6 per cent per annum.

(2) Where an amount is paid into the Account under subsection 1, a contributor under Part I is entitled to have such amount, exclusive of interest, credited to his contributions under Part I, and a contributor under Part II is entitled to count, for the purposes of Part II, the period of service represented by the amount paid into the Account. *New.*

24.—(1) A member who was not a member on the 1st day of April, 1960, may, within ninety days from the day upon which the Assembly first is in session after he becomes a member, elect in writing to contribute under this Act in respect of any part of any period of service as a member previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election.

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 5.

25.—(1) A minister who was not a minister on the 1st day of April, 1960, may, within ninety days from the day upon which he becomes a minister, elect in writing to contribute under this Act in respect of any part of any period of service as a minister previous to the 1st day of April, 1960, but the period or periods shall be chosen retrogressively from the date of such election.

Establishment of credit, ministers

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment payments, ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding. R.S.O. 1970, c. 241, s. 9.

Payments into and out of Consolidated Revenue Fund

26. All contributions and interest received under this Act shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund. R.S.O. 1970, c. 241, s. 15.

Special account

27.—(1) The Treasurer shall establish in the Consolidated Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

Annual payments into special account

(2) The Treasurer shall pay annually from the Consolidated Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council may direct to assist in defraying the cost of allowances under this Act. R.S.O. 1970, c. 241, s. 16.

Application of R.S.O. 1970, c. 387

28. Section 32 of *The Public Service Superannuation Act* applies *mutatis mutandis* to any moneys payable to any person under this Act. R.S.O. 1970, c. 241, s. 17.

Recipients of allowances, etc., not disqualified R.S.O. 1970, c. 240

29. Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein. R.S.O. 1970, c. 241, s. 18.

Teachers' rights not affected R.S.O. 1970, c. 455

30. Notwithstanding subclause xv of clause e of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*. R.S.O. 1970, c. 241, s. 19.

31. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 24 and subsection 3 of section 25;
- (b) prescribing tables for the purposes of subsection 4 of section 6, subsection 4 of section 9, subsection 4 of section 18 and subsection 3 of section 19. R.S.O. 1970, c. 241, s. 20, *amended*.
- (c) respecting annuities under clause *b* of subsection 2 of section 16. *New*.

32.—(1) *The Legislative Assembly Retirement Allowances* ^{Repeal} *Act*, being chapter 241 of the Revised Statutes of Ontario, 1970, is repealed.

(2) Section 75 of *The Government Reorganization Act, 1972*, ^{Idem} being chapter 1, is repealed.

33. This Act shall be deemed to have come into force ^{Commence-} on the 1st day of October, 1973. ^{ment}

34. This Act may be cited as *The Legislative Assembly* ^{Short title} *Retirement Allowances Act, 1973*.

The Legislative Assembly
Retirement Allowances Act, 1973

1st Reading

December 3rd, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 4th, 1973

THE HON. E. A. WINKLER
Chairman Management Board
of Cabinet

CAZON
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BILL 264

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

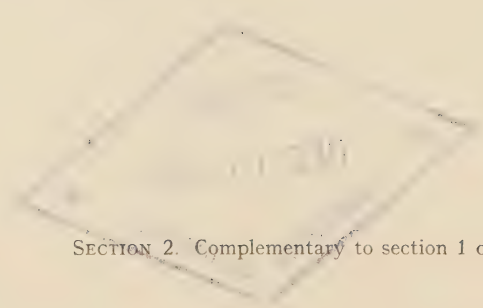
An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendments are made to provide for certain functions under the Act to be performed by the Minister of Housing.



SECTION 2. Complementary to section 1 of the Bill.

SECTION 3. The amendment removes the requirement of the Minister's approval of appointments to the planning board of a joint planning area.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister” in the second line and inserting in lieu thereof “Treasurer”. <sup>s. 1 (b),
amended</sup>

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: <sup>s. 1 (e),
re-enacted</sup>

(*e*) “Minister” means the Minister of Housing.

(3) Clause *i* of the said section 1 is amended by striking out “Minister” in the second line and inserting in lieu thereof “Treasurer”. <sup>s. 1 (i),
amended</sup>

(4) The said section 1 is amended by adding thereto the following clause: <sup>s. 1,
amended</sup>

(*k*) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Sections 2, 3, 5 and 8 of the said Act are amended by striking out “Minister” wherever it occurs and inserting in lieu thereof in each instance “Treasurer”. <sup>ss. 2, 3, 5, 8,
amended</sup>

3. Subsection 1 of section 3 of the said Act is amended by striking out “and every appointment to the planning board of a joint planning area is subject to the approval of the Minister” in the second, third and fourth lines. <sup>s. 3 (1),
amended</sup>

s. 14 (1),
amended

4. Subsection 1 of section 14 of the said Act is amended by striking out "the Minister shall settle such modifications as far as possible to the satisfaction of all concerned" in the eighth, ninth and tenth lines and inserting in lieu thereof "to the Minister he shall make such modifications", so that the subsection shall read as follows:

Plan to be
submitted
to Minister

(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister, he shall make such modifications and cause the plan to be amended accordingly.

s. 22 (1, 4, 5-7),
amended

- 5.—(1) Subsections 1, 4, 5, 6 and 7 of section 22 of the said Act are amended by striking out "Municipal Board" wherever it occurs and inserting in lieu thereof in each instance "Minister".

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsections:

Grants
or loans

(8a) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

Application
of s. 37 (2, 3)

(8b) The provisions of subsections 2 and 3 of section 37 apply *mutatis mutandis* to any loan made under subsection 8a.

s. 29,
amended

6. Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1 and 1972, chapter 118, section 3, is further amended by adding thereto the following subsections:

Partial
discharges,
etc.,
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or trans-

SECTION 4. The amendment makes clear the Minister's power to make modifications to an official plan that is submitted to him for approval.

SECTION 5.—Subsection 1. The Minister replaces the Municipal Board as the approving authority for a redevelopment plan.

Subsection 2. The amendment authorizes municipalities to make grants or loans to assist with rehabilitation of lands and buildings in conformity with a redevelopment plan.

SECTION 6. The new subsection 5*b* provides that where a partial discharge of a mortgage on land is given, the mortgagee is deemed to hold the fee in the lands mortgaged, to convey by way of deed the discharged lands and to retain the fee in the undischarged lands. The result is to render ineffective this device to convey lands without the necessity of obtaining a consent.

Subsection 5*c* provides an exemption from the operation of subsection 5*b*.

The new subsection 5*d* exempts ARDA from subdivision and part-lot control in situations where the Directorate is not severing a unit of land as originally acquired.

SECTION 7. Provision is made for the validation of titles of land that could otherwise, by reason of section 29 of *The Planning Act*, be invalid, by order of the Minister on request of the local municipality in which the lands are situate.

SECTION 8.—Subsection 1. The provisions of subsection 3 are re-enacted to preserve pre-existing zoning by-laws except to the extent that they conflict with a Minister's order. Presently such by-laws are superseded by a subsequent order.

for the land mentioned in the partial discharge or partial cessation.

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3. Saving

(5d) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. Application to ARDA

7. The said Act is further amended by adding thereto the following section: s. 29a, enacted

29a.—(1) The Minister may, by order, in respect of land described in the order and within a local municipality named in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause b of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations. Effect of contraventions of s. 29, etc., on conveyances heretofore made R.S.O. 1970, c. 349

(2) No order shall be made by the Minister under subsection 1 unless the council of the local municipality named in the order has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass. Proviso

(3) A municipality may, as a condition to the passage of a by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate. Municipality may impose conditions

- 8.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor: s. 32 (3), re-enacted

Order
prevails
over by-law
in event of
conflict

(3) In the event of a conflict between an order made under clause *a* of subsection 1 and a by-law that is in effect under section 35, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

s. 32,
amended

(2) The said section 32, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is further amended by adding thereto the following subsections:

Hearing
by
O.M.B.

(6*a*) Where an application is made to the Minister for an amendment to an order made under clause *a* of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.

Report to
Minister

(6*b*) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of
Minister
final

(6*c*) After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.

s. 33 (6),
amended

9. Subsection 6 of section 33 of the said Act is amended by adding at the end thereof "and such agreements may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land".

ss. 35*a*,
35*b*,
enacted

10. The said Act is further amended by adding thereto the following sections:

Development
control

35*a*.—(1) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:

1. Widenings of highways that abut on the land that is being developed or redeveloped.

2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings including the number, location and size of such facilities and the direction of traffic thereon. R.S.O. 1970,
c. 201
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways.
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.
11. Plans showing the location of all buildings and structures to be erected on the land as well as building elevations, cross sections, perspective drawings and other facilities required by the by-law.

(2) A by-law that includes provisions authorized by Provisions
of by-law subsection 1 may,

- (a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;

R.S.O. 1970,
c. 284

- (b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 1; and
- (c) prohibit the issuance of building permits until the plans referred to in paragraph 11 of subsection 1 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

Registration
of agreements

R.S.O. 1970,
cc. 409, 234

Appeal to
O.M.B.

(3) Any agreement entered into, as referred to in clause *b* of subsection 2, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

(4) Where the municipality fails to approve the plans referred to in paragraph 11 of subsection 1 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the agreement referred to in clause *b* of subsection 2 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.

Conveyance
of land
for park
purposes

35*b*.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes.

Interpre-
tation

(2) For the purposes of subsection 3, “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

Alternative
requirement

(3) Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law

Subsection 2. The new subsections provide for a hearing by the Municipal Board when a request is made to the Minister for an amendment to a Minister's zoning order.

SECTION 9. The subsection is amended to provide for the registration of subdivision agreements and to provide for the enforceability of such agreements against subsequent owners of the affected lands.

SECTION 10. The new section 35*a* empowers municipalities to include development control provisions in zoning by-laws passed under section 35 of the Act and thereby implements the report on development control submitted by the Ontario Law Reform Commission.

These additional powers are available only to municipalities who have official plans in effect, and permit such municipalities to require the provision and maintenance of the facilities and matters set out in the section as a condition to the development or redevelopment of land. Agreements may be required to be entered into by the land owner respecting such matters and such an agreement when registered will bind subsequent owners of the land.

Provision is made for appeal to the Municipal Board by an owner dissatisfied with the terms of the agreement required by the municipality or from the refusal of the municipality to approve his plans.

The new section 35*b* empowers municipalities to acquire park lands as a condition of residential development or redevelopment. Such park lands may be required on the basis of either up to 5 per cent of the land involved or up to one acre for each 120 dwelling units proposed for the land.

may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law.

(4) The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section.

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister.

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply *mutatis mutandis* to all moneys so accepted.

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the Minister or a payment in lieu of such conveyance was accepted by the municipality.

11. Subsection 1 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 8, is further amended by inserting after "of" in the third line "grants or".

12. Subsection 6 of section 41 of the said Act is repealed and the following substituted therefor:

(6) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

13. The said Act is further amended by adding thereto the following sections:

Interpre-
tation

44*b*.—(1) Notwithstanding clause *a* of section 1, “council” for the purposes of this section and sections 44*c* and 44*d* means the council of a municipality that has requested delegation as referred to in subsection 2 and that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister’s authority under this Act.

Delegation
of Minister’s
powers

(2) The Minister may on the request of a municipality by order delegate to the council of such municipality any of the Minister’s authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection 2 may be subject to such conditions as the Minister may by order provide.

Withdrawal
of delegation
of powers

(4) The Minister may by order withdraw any delegation made under subsection 2 and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal.

Further
delegation
of powers

44*c*.—(1) Where the Minister has delegated any authority to a council under section 44*b*, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(2) A delegation made by a council under subsection 1 may be subject to such conditions as the council may by

SECTION 11. The amendment authorizes the making of grants as well as loans by municipalities to assist with the cost of repairs, etc., required under a standards of maintenance and occupancy by-law.

SECTION 12. As presently worded, a majority of members of a committee of adjustment constitutes a quorum. As re-enacted the subsection will enable three members to constitute a quorum irrespective of the number of members on the committee while two members constitute a quorum where there are only three members on the committee.

SECTION 13. The sections added provide for the delegation of the Minister's authority under the Act to the council of any municipality that the Treasurer, on the request of the municipality, has designated as one to which such delegation may be made. Provision is also made for the further delegation by such a council to a designated officer of the municipality.

Appeal may be had to the Municipal Board from any decision made by a council or officer to whom such authority has been delegated.

by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 44b.

(3) A council may by by-law withdraw any delegation made under subsection 1 and the provisions of subsection 4 of section 44b apply *mutatis mutandis*. Withdrawal of delegation of powers

44d.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 44b or 44c, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision. Notice of decision

(2) Where there is an appeal under subsection 3, the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection 3 has expired. No approval while appeal pending

(3) The applicant and each person who requested written notice of the decision referred to in subsection 1 may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act*, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection 1. Appeal to O.M.B.
R.S.O. 1970, c. 323

(4) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 3 does not apply to the approval of the plan of subdivision under subsection 14 of section 33. Application where draft plan approved

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection 3, shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 3 to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board. Material to be forwarded to O.M.B.

(6) On an appeal to the Municipal Board under subsection 3, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the Hearing by O.M.B.

municipality as referred to in subsection 3 and to such other persons and in such manner as the Municipal Board may determine.

Powers of
O.M.B.

(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application.

Repeals

14. The following are repealed:

1. Subsection 9 of section 69 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970.
2. Subsection 9 of section 92 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970.
3. Subsection 9 of section 69 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970.
4. Subsection 9 of section 90 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970.
5. Subsection 6 of section 33 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104.
6. Subsection 8 of section 95 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105.
7. Subsection 8 of section 55 of *The Regional Municipality of Peel Act, 1973*, being chapter 60.
8. Subsection 8 of section 55 of *The Regional Municipality of Halton Act, 1973*, being chapter 70.
9. Subsection 8 of section 55 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74.
10. Subsection 8 of section 62 of *The Regional Municipality of Durham Act, 1973*, being chapter 78.

References to
Treasurer of
Ontario and
Minister of
Economics
and Inter-
governmental
Affairs

- 15.** Where, in any Act establishing a metropolitan, regional or district municipality reference is made to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in respect of matters pertaining to planning, such reference shall be deemed to be a reference to the Minister of Housing.

SECTION 14. The sections of the various Regional Acts being repealed provided in each case for the delegation by the Lieutenant Governor of the Minister's powers under *The Planning Act* to the Regional Council. These matters are now dealt with in greater detail in section 13 of the Bill.

SECTION 15. Self-explanatory.

- 16.**—(1) This Act, except sections 1, 2, 7, 13, 14 and 15, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Sections 1, 2, 7, 13, 14 and 15 come into force on a day ^{Idem} to be named by the Lieutenant Governor by his proclamation.
- 17.** This Act may be cited as *The Planning Amendment Act, 1973*. ^{Short title}

Bill 201
An Act to amend
The Planning Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

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-B 56

BILL 264

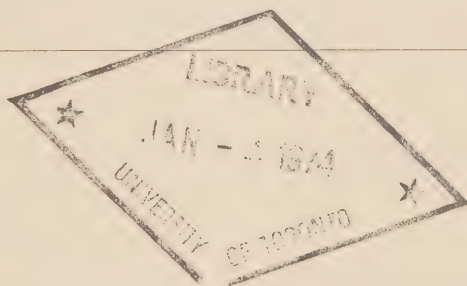
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. The amendments are made to provide for certain functions under the Act to be performed by the Minister of Housing.

SECTION 2. Complementary to section 1 of the Bill.

SECTION 3. The amendment removes the requirement of the Minister's approval of appointments to the planning board of a joint planning area.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended ^{s. 1 (b), amended} by striking out “Minister” in the second line and inserting in lieu thereof “Treasurer”.

- (2) Clause *e* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (e), re-enacted}

(*e*) “Minister” means the Minister of Housing.

- (3) Clause *i* of the said section 1 is amended by striking ^{s. 1 (i), amended} out “Minister” in the second line and inserting in lieu thereof “Treasurer”.

- (4) The said section 1 is amended by adding thereto the ^{s. 1, amended} following clause:

(*k*) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Sections 2, 3, 5 and 8 of the said Act are amended by striking ^{ss. 2, 3, 5, 8, amended} out “Minister” wherever it occurs and inserting in lieu thereof in each instance “Treasurer”.

3. Subsection 1 of section 3 of the said Act is amended by ^{s. 3 (1), amended} striking out “and every appointment to the planning board of a joint planning area is subject to the approval of the Minister” in the second, third and fourth lines.

s. 14 (1),
amended

4. Subsection 1 of section 14 of the said Act is amended by striking out "the Minister shall settle such modifications as far as possible to the satisfaction of all concerned" in the eighth, ninth and tenth lines and inserting in lieu thereof "to the Minister he shall, after consultation with the council of the municipality affected, make such modifications", so that the subsection shall read as follows:

Plan to be
submitted
to Minister

(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister, he shall, after consultation with the council of the municipality affected, make such modifications and cause the plan to be amended accordingly.

s. 22 (1, 4, 5-7),
amended

- 5.—(1) Subsections 1, 4, 5, 6 and 7 of section 22 of the said Act are amended by striking out "Municipal Board" wherever it occurs and inserting in lieu thereof in each instance "Minister".

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsections:

Grants
or loans

(8a) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

Application
of s. 37 (2, 3)

(8b) The provisions of subsections 2 and 3 of section 37 apply *mutatis mutandis* to any loan made under subsection 8a.

s. 29,
amended

6. Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1 and 1972, chapter 118, section 3, is further amended by adding thereto the following subsections:

Partial
discharges,
etc.,
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the

SECTION 4. The amendment makes clear the Minister's power to make modifications to an official plan that is submitted to him for approval.

SECTION 5.—Subsection 1. The Minister replaces the Municipal Board as the approving authority for a redevelopment plan.

Subsection 2. The amendment authorizes municipalities to make grants or loans to assist with rehabilitation of lands and buildings in conformity with a redevelopment plan.

SECTION 6. The new subsection 5*b* provides that where a partial discharge of a mortgage on land is given, the mortgagee is deemed to hold the fee in the lands mortgaged, to convey by way of deed the discharged lands and to retain the fee in the undischarged lands. The result is to render ineffective this device to convey lands without the necessity of obtaining a consent.

Subsection 5*c* provides an exemption from the operation of subsection 5*b*.

The new subsection 5*d* exempts ARDA from subdivision and part-lot control in situations where the Directorate is not severing a unit of land as originally acquired.


SECTION 7. Provision is made for the validation of titles of land that could otherwise, by reason of section 29 of *The Planning Act*, be invalid, by order of the Minister on request of the local municipality in which the lands are situate.

fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3. ^{Saving}


(5d) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. ^{Application to ARDA}

7. The said Act is further amended by adding thereto the following section: ^{s. 29a, enacted}

 29a.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause b of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations. ^{Effect of contraventions of s. 29, etc., on conveyances heretofore made R.S.O. 1970, c. 349}

(2) No order shall be made by the Minister under subsection 1 in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass. ^{Proviso}

(3) A municipality may, as a condition to the passage of a by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate. ^{Municipality may impose conditions}

(4) Nothing in this section derogates from the power the Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29.  ^{Proviso}

s. 32 (3),
re-enacted

8.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

Order
prevails
over by-law
in event of
conflict

(3) In the event of a conflict between an order made under clause *a* of subsection 1 and a by-law that is in effect under section 35, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.



s. 32,
amended

(2) The said section 32, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is further amended by adding thereto the following subsections:

Hearing
by
O.M.B.

(6a) Where an application is made to the Minister for an amendment to an order made under clause *a* of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.

Notice of
application

 (6b) The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board. 

Report to
Minister

(6c) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of
Minister
final

(6d) After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.



s. 33 (6),
amended

9. Subsection 6 of section 33 of the said Act is amended by adding at the end thereof "and such agreements may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land".

ss. 35a,
35b,
enacted

10. The said Act is further amended by adding thereto the following sections:

Interpre-
tation

 35a.—(1) In this section and in section 35b, "redevelopment" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon. 

SECTION 8.—Subsection 1. The provisions of subsection 3 are re-enacted to preserve pre-existing zoning by-laws except to the extent that they conflict with a Minister's order. Presently such by-laws are superseded by a subsequent order.

Subsection 2. The new subsections provide for a hearing by the Municipal Board when a request is made to the Minister for an amendment to a Minister's zoning order.

SECTION 9. The subsection is amended to provide for the registration of subdivision agreements and to provide for the enforceability of such agreements against subsequent owners of the affected lands.

SECTION 10. The new section 35*a* empowers municipalities to include development control provisions in zoning by-laws passed under section 35 of the Act and thereby implements the report on development control submitted by the Ontario Law Reform Commission.

These additional powers are available only to municipalities who have official plans in effect, and permit such municipalities to require the provision and maintenance of the facilities and matters set out in the section as a condition to the development or redevelopment of land. Agreements may be required to be entered into by the land owner respecting such matters and such an agreement when registered will bind subsequent owners of the land.

Provision is made for appeal to the Municipal Board by an owner dissatisfied with the terms of the agreement required by the municipality or from the refusal of the municipality to approve his plans.

The new section 35*b* empowers municipalities to acquire park lands as a condition of residential development or redevelopment. Such park lands may be required on the basis of either up to 5 per cent of the land involved or up to one acre for each 120 dwelling units proposed for the land.

(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:

1. Widenings of highways that abut on the land that is being developed or redeveloped.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon. Development
control
R.S.O. 1970,
c. 201
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways and all other means of pedestrian access,
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.

11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.

12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.

Proviso

(3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Provisions
of by-law

(4) A by-law that includes provisions authorized by subsection 2 may,

R.S.O. 1970,
c. 284

(a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;

(b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and

(c) prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

Registration
of agreements

(5) Any agreement entered into, as referred to in clause *b* of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970,
cc. 409, 234

Appeal to
O.M.B.

(6) Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause *b* of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality,

and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.

35b.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes. Conveyance of land for park purposes

(2) For the purposes of subsection 3, “dwelling unit” Interpretation means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

(3) Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law. Alternative requirement

(4) The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section. Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister. Use and sale of land

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply *mutatis mutandis* to all moneys so accepted. Cash payment in lieu of conveyance

Lands to
which by-law
not
applicable

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the Minister or a payment in lieu of such conveyance was accepted by the municipality.

s. 37 (1),
amended

- 11.** Subsection 1 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 8, is further amended by inserting after “of” in the third line “grants or”.

s. 41 (6),
re-enacted

- 12.** Subsection 6 of section 41 of the said Act is repealed and the following substituted therefor:

Quorum

(6) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

ss. 44b,
44c, 44d,
enacted

- 13.** The said Act is further amended by adding thereto the following sections:

Interpre-
tation

44b.—(1) Notwithstanding clause *a* of section 1, “council” for the purposes of this section and sections 44c and 44d means the council of a municipality that has requested delegation as referred to in subsection 2 and that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister’s authority under this Act.

Delegation
of Minister’s
powers

(2) The Minister may on the request of a municipality by order delegate to the council of such municipality any of the Minister’s authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection 2 may be subject to such conditions as the Minister may by order provide.

Withdrawal
of delegation
of powers

(4) The Minister may by order withdraw any delegation made under subsection 2 and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the

SECTION 11. The amendment authorizes the making of grants as well as loans by municipalities to assist with the cost of repairs, etc., required under a standards of maintenance and occupancy by-law.

SECTION 12. As presently worded, a majority of members of a committee of adjustment constitutes a quorum. As re-enacted the subsection will enable three members to constitute a quorum irrespective of the number of members on the committee while two members constitute a quorum where there are only three members on the committee.

SECTION 13. The sections added provide for the delegation of the Minister's authority under the Act to the council of any municipality that the Treasurer, on the request of the municipality, has designated as one to which such delegation may be made. Provision is also made for the further delegation by such a council to a designated officer of the municipality.

Appeal may be had to the Municipal Board from any decision made by a council or officer to whom such authority has been delegated.

order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal.

44c.—(1) Where the Minister has delegated any authority to a council under section 44b, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

(2) A delegation made by a council under subsection 1 may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 44b.

(3) A council may by by-law withdraw any delegation made under subsection 1 and the provisions of subsection 4 of section 44b apply *mutatis mutandis*.

44d.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 44b or 44c, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision.

(2) Where there is an appeal under subsection 3, the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection 3 has expired.

(3) The applicant and each person who requested written notice of the decision referred to in subsection 1 may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed

R.S.O. 1970,
c. 323

officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act*, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection 1.

Application
where draft
plan
approved

(4) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 3 does not apply to the approval of the plan of subdivision under subsection 14 of section 33.

Material to
be forwarded
to O.M.B.

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection 3, shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 3 to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board.

Hearing by
O.M.B.

(6) On an appeal to the Municipal Board under subsection 3, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the municipality as referred to in subsection 3 and to such other persons and in such manner as the Municipal Board may determine.

Powers of
O.M.B.

(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application.

Repeals

14. The following are repealed:

1. Subsection 9 of section 69 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970.
2. Subsection 9 of section 92 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970.
3. Subsection 9 of section 69 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970.
4. Subsection 9 of section 90 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970.

SECTION 14. The sections of the various Regional Acts being repealed provided in each case for the delegation by the Lieutenant Governor of the Minister's powers under *The Planning Act* to the Regional Council. These matters are now dealt with in greater detail in section 13 of the Bill.

SECTION 15. Self-explanatory.

5. Subsection 6 of section 33 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104.
6. Subsection 8 of section 95 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105.
7. Subsection 8 of section 55 of *The Regional Municipality of Peel Act, 1973*, being chapter 60.
8. Subsection 8 of section 55 of *The Regional Municipality of Halton Act, 1973*, being chapter 70.
9. Subsection 8 of section 55 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74.
10. Subsection 8 of section 62 of *The Regional Municipality of Durham Act, 1973*, being chapter 78.

15. Where, in any Act establishing a metropolitan, regional or district municipality reference is made to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in respect of matters pertaining to planning, such reference shall be deemed to be a reference to the Minister of Housing.

References to
Treasurer of
Ontario and
Minister of
Economics
and Inter-
governmental
Affairs

16. Where a committee of adjustment ceases to have jurisdiction to grant consents as provided in subsection 1 of section 31, the Minister or the land division committee stands in the place and stead of the committee of adjustment for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973.

Minister
or land
division
committee to
stand in
place of
committees
of adjust-
ment for
certain
purposes

17.—(1) This Act, except sections 1, 2, 7, 13, 14 and 15, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 1, 2, 7, 13, 14 and 15 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

18. This Act may be cited as *The Planning Amendment Act, 1973*.

Short title

An Act to amend
The Planning Act

1st Reading

December 4th, 1973

2nd Reading

December 10th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N

XB

BILL 264

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended <sup>s. 1 (b),
amended</sup> by striking out “Minister” in the second line and inserting in lieu thereof “Treasurer”.

- (2) Clause *e* of the said section 1 is repealed and the follow- <sup>s. 1 (e),
re-enacted</sup> ing substituted therefor:
 - (e) “Minister” means the Minister of Housing.

- (3) Clause *i* of the said section 1 is amended by striking <sup>s. 1 (i),
amended</sup> out “Minister” in the second line and inserting in lieu thereof “Treasurer”.

- (4) The said section 1 is amended by adding thereto the <sup>s. 1,
amended</sup> following clause:
 - (k) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Sections 2, 3, 5 and 8 of the said Act are amended by striking <sup>ss. 2, 3, 5, 8,
amended</sup> out “Minister” wherever it occurs and inserting in lieu thereof in each instance “Treasurer”.

3. Subsection 1 of section 3 of the said Act is amended by <sup>s. 3 (1),
amended</sup> striking out “and every appointment to the planning board of a joint planning area is subject to the approval of the Minister” in the second, third and fourth lines.

s. 14 (1),
amended

4. Subsection 1 of section 14 of the said Act is amended by striking out "the Minister shall settle such modifications as far as possible to the satisfaction of all concerned" in the eighth, ninth and tenth lines and inserting in lieu thereof "to the Minister he shall, after consultation with the council of the municipality affected, make such modifications", so that the subsection shall read as follows:

Plan to be
submitted to
Minister

(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister, he shall, after consultation with the council of the municipality affected, make such modifications and cause the plan to be amended accordingly.

s. 22 (1, 4, 5-7),
amended

- 5.—(1) Subsections 1, 4, 5, 6 and 7 of section 22 of the said Act are amended by striking out "Municipal Board" wherever it occurs and inserting in lieu thereof in each instance "Minister".

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsections:

Grants
or loans

(8a) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

Application
of s. 37 (2, 3)

(8b) The provisions of subsections 2 and 3 of section 37 apply *mutatis mutandis* to any loan made under subsection 8a.

s. 29,
amended

6. Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1 and 1972, chapter 118, section 3, is further amended by adding thereto the following subsections:

Partial
discharges,
etc.,
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the

fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3. Saving

(5d) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. Application to ARDA

7. The said Act is further amended by adding thereto the following section: s. 29a, enacted

29a.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause b of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations. Effect of contraventions of s. 29, etc., on conveyances heretofore made R.S.O. 1970, c. 349

(2) No order shall be made by the Minister under subsection 1 in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass. Proviso

(3) A municipality may, as a condition to the passage of a by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate. Municipality may impose conditions

(4) Nothing in this section derogates from the power the Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29. Proviso

s. 32 (3),
re-enacted

- 8.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

Order
prevails
over by-law
in event of
conflict

(3) In the event of a conflict between an order made under clause *a* of subsection 1 and a by-law that is in effect under section 35, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

s. 32,
amended

- (2) The said section 32, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is further amended by adding thereto the following subsections:

Hearing
by
O.M.B.

(6*a*) Where an application is made to the Minister for an amendment to an order made under clause *a* of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.

Notice of
application

(6*b*) The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board.

Report to
Minister

(6*c*) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of
Minister
final

(6*d*) After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.

s. 33 (6),
amended

9. Subsection 6 of section 33 of the said Act is amended by adding at the end thereof "and such agreements may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land".

ss. 35*a*,
35*b*,
enacted

10. The said Act is further amended by adding thereto the following sections:

Interpre-
tation

35*a*.—(1) In this section and in section 35*b*, "redevelopment" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:

Development
control

1. Widenings of highways that abut on the land that is being developed or redeveloped.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing including the number, location and size of such facilities and the direction of traffic thereon.
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways and all other means of pedestrian access,
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.

R.S.O. 1970,
c. 201

11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.

Proviso

(3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Provisions
of by-law

(4) A by-law that includes provisions authorized by subsection 2 may,

R.S.O. 1970,
c. 284

(a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;

(b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and

(c) prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

Registration
of agreements

R.S.O. 1970,
cc. 409, 234

(5) Any agreement entered into, as referred to in clause *b* of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Appeal to
O.M.B.

(6) Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause *b* of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality,

and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.

35b.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes. Conveyance of land for park purposes

(2) For the purposes of subsection 3, “dwelling unit” Interpretation means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

(3) Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law. Alternative requirement

(4) The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section. Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister. Use and sale of land

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply *mutatis mutandis* to all moneys so accepted. Cash payment in lieu of conveyance

Lands to
which by-law
not
applicable

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the Minister or a payment in lieu of such conveyance was accepted by the municipality.

s. 37 (1),
amended

- 11.** Subsection 1 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 8, is further amended by inserting after “of” in the third line “grants or”.

s. 41 (6),
re-enacted

- 12.** Subsection 6 of section 41 of the said Act is repealed and the following substituted therefor:

Quorum

(6) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

ss. 44b,
44c, 44d,
enacted

- 13.** The said Act is further amended by adding thereto the following sections:

Interpre-
tation

44b.—(1) Notwithstanding clause *a* of section 1, “council” for the purposes of this section and sections 44c and 44d means the council of a municipality that has requested delegation as referred to in subsection 2 and that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister’s authority under this Act.

Delegation
of Minister’s
powers

(2) The Minister may on the request of a municipality by order delegate to the council of such municipality any of the Minister’s authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection 2 may be subject to such conditions as the Minister may by order provide.

Withdrawal
of delegation
of powers

(4) The Minister may by order withdraw any delegation made under subsection 2 and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the

order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal.

44c.—(1) Where the Minister has delegated any authority to a council under section 44b, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

(2) A delegation made by a council under subsection 1 may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 44b.

(3) A council may by by-law withdraw any delegation made under subsection 1 and the provisions of subsection 4 of section 44b apply *mutatis mutandis*.

44d.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 44b or 44c, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision.

(2) Where there is an appeal under subsection 3, the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection 3 has expired.

(3) The applicant and each person who requested written notice of the decision referred to in subsection 1 may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed

R.S.O. 1970,
c. 323

officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act*, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection 1.

Application
where draft
plan
approved

(4) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 3 does not apply to the approval of the plan of subdivision under subsection 14 of section 33.

Material to
be forwarded
to O.M.B.

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection 3, shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 3 to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board.

Hearing by
O.M.B.

(6) On an appeal to the Municipal Board under subsection 3, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the municipality as referred to in subsection 3 and to such other persons and in such manner as the Municipal Board may determine.

Powers of
O.M.B.

(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application.

Repeals

14. The following are repealed:

1. Subsection 9 of section 69 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970.
2. Subsection 9 of section 92 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970.
3. Subsection 9 of section 69 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970.
4. Subsection 9 of section 90 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970.

5. Subsection 6 of section 33 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104.
6. Subsection 8 of section 95 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105.
7. Subsection 8 of section 55 of *The Regional Municipality of Peel Act, 1973*, being chapter 60.
8. Subsection 8 of section 55 of *The Regional Municipality of Halton Act, 1973*, being chapter 70.
9. Subsection 8 of section 55 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74.
10. Subsection 8 of section 62 of *The Regional Municipality of Durham Act, 1973*, being chapter 78.
15. Where, in any Act establishing a metropolitan, regional or district municipality reference is made to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in respect of matters pertaining to planning, such reference shall be deemed to be a reference to the Minister of Housing. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs
16. Where a committee of adjustment ceases to have jurisdiction to grant consents as provided in subsection 1 of section 31, the Minister or the land division committee stands in the place and stead of the committee of adjustment for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973. Minister or land division committee to stand in place of committees of adjustment for certain purposes
- 17.—(1) This Act, except sections 1, 2, 7, 13, 14 and 15, comes into force on the day it receives Royal Assent. Commencement
 (2) Sections 1, 2, 7, 13, 14 and 15 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem
18. This Act may be cited as *The Planning Amendment Act, 1973*. Short title

BILL 264

An Act to amend
The Planning Act

1st Reading

December 4th, 1973

2nd Reading

December 10th, 1973

3rd Reading

December 17th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

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-B 56

BILL 265

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Treasury, Economics and
Intergovernmental Affairs Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the amendment is to clarify the responsibility of the Treasurer with respect to land use planning.

BILL 265

1973

**An Act to amend
The Ministry of Treasury, Economics and
Intergovernmental Affairs Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Treasury, Economics and Inter-*^{s. 4.}
Governmental Affairs Act, 1972, being chapter 3, is amended^{amended}
by adding thereto the following subsection:

(2a) The Treasurer is responsible for the formulation of^{Idem}
policy with respect to land use planning by the Province
and the municipalities and has the direction and control of
the administration of the law relating thereto.
2. This Act comes into force on the day it receives Royal Assent.^{Commence-}
^{ment}
3. This Act may be cited as *The Ministry of Treasury, Economics and*^{Short title}
Intergovernmental Affairs Amendment Act, 1973 (No. 2).

An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

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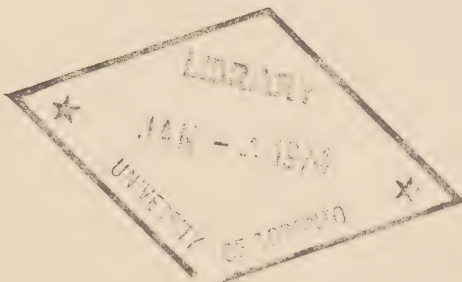
BILL 265

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Treasury, Economics and
Intergovernmental Affairs Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 265

1973

**An Act to amend
The Ministry of Treasury, Economics and
Intergovernmental Affairs Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3, is amended ^{s. 4, amended} by adding thereto the following subsection:

(2a) The Treasurer is responsible for the formulation of ^{Idem} policy with respect to land use planning by the Province and the municipalities and has the direction and control of the administration of the law relating thereto.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973 (No. 2)*. ^{Short title}

BILL 265

An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972

1st Reading

December 4th, 1973

2nd Reading

December 6th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N *appeal to the family*
XB

BILL 266

Government
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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

EXPLANATORY NOTE

The amendment clarifies that in the case of a new municipality or a municipality that has land annexed to it that was formerly unorganized, a grant can be paid to such municipality in the year of incorporation or annexation, as the case may be.

BILL 266

1973

**An Act to amend
The Municipal Unconditional Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Unconditional Grants Act*, being ^{s. 6,} chapter 293 of the Revised Statutes of Ontario, 1970, is ^{amended} amended by adding at the end thereof "provided that a determination or redetermination of the population of a municipality made in the year in which the municipality is incorporated or in which any locality that theretofore did not form part of any municipality is annexed to the municipality, is effective for the grant payable in such year of incorporation or annexation".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Municipal Unconditional Grants* ^{Short title}
Amendment Act, 1973 (No. 2).

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

XB

-B56

BILL 266

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 266

1973

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Unconditional Grants Act*, being ^{s. 6.} amended chapter 293 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "provided that a determination or redetermination of the population of a municipality made in the year in which the municipality is incorporated or in which any locality that theretofore did not form part of any municipality is annexed to the municipality, is effective for the grant payable in such year of incorporation or annexation".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Municipal Unconditional Grants* ^{Short title} *Amendment Act, 1973 (No. 2)*.

BILL 266

An Act to amend
The Municipal Unconditional
Grants Act

1st Reading

December 4th, 1973

2nd Reading

December 6th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N
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-B 56

BILL 267

Government
Publications

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment will authorize the Metropolitan Council to delegate to the area municipalities the leasing or licensing of untravelled portions of metropolitan roads to adjoining owners or occupants of commercially or industrially used land for any type of use. As the section stands such untravelled portions may be so leased for use only for the parking of vehicles.

SECTION 2. The subsection added requires the area municipalities to secure the written approval of the Metropolitan Corporation in respect of such of their roads as intersect a metropolitan road.

SECTION 3. The requirement of being a ratepayer of an area municipality to be eligible for membership on the Transit Commission is removed.

SECTION 4. The amendments provide for transitional adjustments, adjustments of assets and liabilities and adjustment of assessment in respect of the portion of the Township of Pickering that is annexed to the Borough of Scarborough on January 1st, 1974.

BILL 267

1973

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 84 of *The Municipality of Metropolitan Toronto Act*, ^{s. 84, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "solely for the parking of vehicles" in the sixth line and inserting in lieu thereof "for such purposes as the council of the area municipality may by lease or licence permit".
2. Section 96 of the said Act is amended by adding thereto the ^{s. 96, amended} following subsection:

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation. ^{Approval required to intersect metropolitan road}
3. Subsection 5 of section 99 of the said Act is repealed and the ^{s. 99 (5), re-enacted} following substituted therefor:

(5) No person is eligible to be appointed as a member of the Commission unless that person is a resident of an area municipality. ^{Qualification}
4. Section 148 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 48, section 5, is further amended by adding thereto the following subsections:

(1b) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Borough of Scarborough shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified area or areas, rates of taxation for general purposes which are different from the rates which would have ^{Transitional adjustments}

been levied for such purposes but for the provisions of this subsection.

Surplus or deficit to be applied to supporting assessment

(1c) The audited surplus or operating deficit of that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Ministry of Revenue to revise and adjust assessments

(1d) In each year commencing in the year 1973, the Ministry of Revenue shall revise and adjust, by the 15th day of December, the assessments of the property in that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a by the use of adjustment factors which when applied to the local assessments of properties in that portion so annexed would increase or decrease the local assessments on such properties to a value on the same basis as the local assessments on similar properties in the Borough of Scarborough.

Deemed last revised assessment roll

(1e) Notwithstanding the provisions of any general or special Act, the last revised assessment roll of the Borough of Scarborough as revised and adjusted under subsection 1d by the Ministry of Revenue shall be deemed to be the last revised assessment roll of the Borough of Scarborough for all purposes.

When provisions cease to apply

(1f) Subsections 1d and 1e shall cease to apply on a date to be determined by order of the Minister.

s. 161a, enacted

5. The said Act is amended by adding thereto the following section:

Metropolitan Corporation deemed municipality under R.S.O. 1970, c. 140

161a. Notwithstanding clause g of section 1 of *The Elderly Persons Centres Act*, the Metropolitan Corporation shall be deemed to be a municipality for the purposes of such Act.

s. 217, amended

6. Section 217 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) The signature of the chairman or any person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

SECTION 5. The amendment deems The Municipality of Metropolitan Toronto to be a municipality for the purposes of *The Elderly Persons Centres Act*.

SECTION 6. Self-explanatory.

SECTION 7. The Metropolitan Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

SECTION 8. Self-explanatory.

SECTION 9. Self-explanatory.

7. Subsection 1 of section 241 of the said Act is amended by ^{s. 241 (1),} striking out “and 42” in the second line and inserting in lieu ^{amended} thereof “42 and 46”.
8. The Metropolitan Corporation may enter into an agreement ^{Agreement} with The Corporation of the Borough of Scarborough with ^{re sanitary} respect to the construction of a sanitary sewer by The Corporation of the Borough of Scarborough ^{sewer} extending northerly from Finch Avenue to Steeles Avenue in the vicinity of Brimley Road designed to receive and dispose of sewage from the Town of Markham and may contribute toward the cost thereof.
9. The council of The Corporation of the Borough of Scarborough ^{Grant re} may make a grant toward the cost of the acquisition of the ^{acquisition} Tam O'Shanter Golf Course by The Metropolitan Toronto and ^{of golf} Region Conservation Authority and may issue debentures in ^{course} respect of such grant or any part thereof without the assent of the electors.
- 10.—(1) This Act, except section 9, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}
- (2) Section 9 shall be deemed to have come into force on the ^{Idem} 1st day of November, 1973.
11. This Act may be cited as *The Municipality of Metropolitan* ^{Short title} *Toronto Amendment Act, 1973 (No. 2)*.

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

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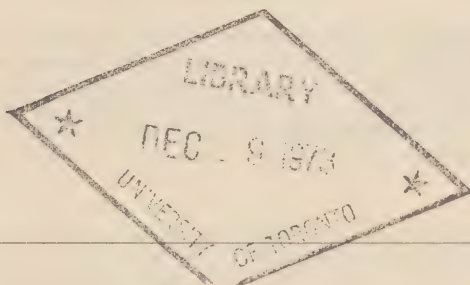
-B 56

BILL 267

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipality of Metropolitan Toronto Act**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment will authorize the Metropolitan Council to delegate to the area municipalities the leasing or licensing of untravelled portions of metropolitan roads to adjoining owners or occupants of commercially or industrially used land for any type of use. As the section stands such untravelled portions may be so leased for use only for the parking of vehicles.

SECTION 2. The subsection added requires the area municipalities to secure the written approval of the Metropolitan Corporation in respect of such of their roads as intersect a metropolitan road.

SECTION 3. The requirement of being a ratepayer of an area municipality to be eligible for membership on the Transit Commission is removed.

SECTION 4. The amendments provide for transitional adjustments, adjustments of assets and liabilities and adjustment of assessment in respect of the portion of the Township of Pickering that is annexed to the Borough of Scarborough on January 1st, 1974.

BILL 267

1973

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 84 of *The Municipality of Metropolitan Toronto Act*, ^{s. 84, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "solely for the parking of vehicles" in the sixth line and inserting in lieu thereof "for such purposes as the council of the area municipality may by lease or licence permit".
2. Section 96 of the said Act is amended by adding thereto the ^{s. 96, amended} following subsection:

(4) No area municipality shall open up, establish or assume ^{Approval required to intersect metropolitan road} for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.
3. Subsection 5 of section 99 of the said Act is repealed and the ^{s. 99 (5), re-enacted} following substituted therefor:

(5) No person is eligible to be appointed as a member of ^{Qualification} the Commission unless that person is a resident of an area municipality.
4. Section 148 of the said Act, as amended by the Statutes of ^{s. 148, amended} Ontario, 1973, chapter 48, section 5, is further amended by adding thereto the following subsections:

(1b) The Minister may provide from time to time by order ^{Transitional adjustments} that, in the year or years and in the manner specified in the order, the council of the Borough of Scarborough shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified area or areas, rates of taxation for general purposes which are different from the rates which would have

been levied for such purposes but for the provisions of this subsection.

Surplus or
deficit to
be applied
to supporting
assessment

(1c) The audited surplus or operating deficit of that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Ministry of
Revenue to
revise and
adjust
assessments

(1d) In each year commencing in the year 1973, the Ministry of Revenue shall revise and adjust, by the 15th day of December, the assessments of the property in that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a by the use of adjustment factors which when applied to the local assessments of properties in that portion so annexed would increase or decrease the local assessments on such properties to a value on the same basis as the local assessments on similar properties in the Borough of Scarborough.

Deemed
last revised
assessment
roll

(1e) Notwithstanding the provisions of any general or special Act, the last revised assessment roll of the Borough of Scarborough as revised and adjusted under subsection 1d by the Ministry of Revenue shall be deemed to be the last revised assessment roll of the Borough of Scarborough for all purposes.

When
provisions
cease to
apply

(1f) Subsections 1d and 1e shall cease to apply on a date to be determined by order of the Minister.

s. 161a,
enacted

5. The said Act is amended by adding thereto the following section:

Metropolitan
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 140

161a. Notwithstanding clause g of section 1 of *The Elderly Persons Centres Act*, the Metropolitan Corporation shall be deemed to be a municipality for the purposes of such Act.

s. 217,
amended

6. Section 217 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) The signature of the chairman or any person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

SECTION 5. The amendment deems The Municipality of Metropolitan Toronto to be a municipality for the purposes of *The Elderly Persons Centres Act*.

SECTION 6. Self-explanatory.

SECTION 7. The Metropolitan Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

SECTION 8. Self-explanatory.

SECTION 9. Self-explanatory.

7. Subsection 1 of section 241 of the said Act is amended by ^{s. 241 (1), amended} striking out "and 42" in the second line and inserting in lieu thereof "42 and 46".
8. The Metropolitan Corporation may enter into an agreement ^{Agreement re sanitary sewer} with The Corporation of the Borough of Scarborough with respect to the construction of a sanitary sewer by The Corporation of the Borough of Scarborough extending northerly from Finch Avenue to Steeles Avenue in the vicinity of Brimley Road designed to receive and dispose of sewage from the Town of Markham and may contribute toward the cost thereof.
9. The council of The Corporation of the Borough of Scarborough may make a grant toward the cost of the acquisition of the ^{Grant re acquisition of golf course} Tam O'Shanter Golf Course by The Metropolitan Toronto and Region Conservation Authority and debentures may be issued in respect of such grant or any part thereof without the assent of the electors.
- 10.—(1) This Act, except section 9, comes into force on the day ^{Commencement} it receives Royal Assent.
- (2) Section 9 shall be deemed to have come into force on the ^{Idem} 1st day of November, 1973.
11. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1973* (No. 2). ^{Short title}

BILL

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

December 4th, 1973

2nd Reading

December 7th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

CAZON *Assembly*
XB
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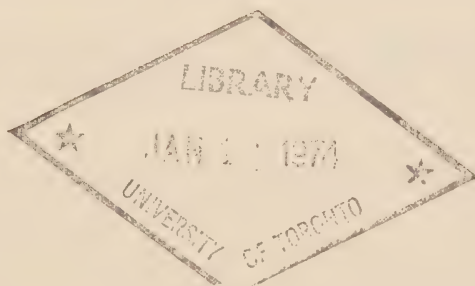
BILL 267

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 84 of *The Municipality of Metropolitan Toronto Act*, ^{s. 84, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "solely for the parking of vehicles" in the sixth line and inserting in lieu thereof "for such purposes as the council of the area municipality may by lease or licence permit".
2. Section 96 of the said Act is amended by adding thereto the ^{s. 96, amended} following subsection:

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.

^{Approval required to intersect metropolitan road}
3. Subsection 5 of section 99 of the said Act is repealed and the ^{s. 99 (5), re-enacted} following substituted therefor:

(5) No person is eligible to be appointed as a member of the Commission unless that person is a resident of an area municipality.

^{Qualification}
4. Section 148 of the said Act, as amended by the Statutes of ^{s. 148, amended} Ontario, 1973, chapter 48, section 5, is further amended by adding thereto the following subsections:

(1b) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Borough of Scarborough shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified area or areas, rates of taxation for general purposes which are different from the rates which would have

^{Transitional adjustments}

been levied for such purposes but for the provisions of this subsection.

Surplus or deficit to be applied to supporting assessment

(1c) The audited surplus or operating deficit of that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Ministry of Revenue to revise and adjust assessments

(1d) In each year commencing in the year 1973, the Ministry of Revenue shall revise and adjust, by the 15th day of December, the assessments of the property in that portion of the Township of Pickering annexed to the Borough of Scarborough under subsection 1a by the use of adjustment factors which when applied to the local assessments of properties in that portion so annexed would increase or decrease the local assessments on such properties to a value on the same basis as the local assessments on similar properties in the Borough of Scarborough.

Deemed last revised assessment roll

(1e) Notwithstanding the provisions of any general or special Act, the last revised assessment roll of the Borough of Scarborough as revised and adjusted under subsection 1d by the Ministry of Revenue shall be deemed to be the last revised assessment roll of the Borough of Scarborough for all purposes.

When provisions cease to apply

(1f) Subsections 1d and 1e shall cease to apply on a date to be determined by order of the Minister.

s. 161a, enacted

5. The said Act is amended by adding thereto the following section:

Metropolitan Corporation deemed municipality under R.S.O. 1970, c. 140

161a. Notwithstanding clause g of section 1 of *The Elderly Persons Centres Act*, the Metropolitan Corporation shall be deemed to be a municipality for the purposes of such Act.

s. 217, amended

6. Section 217 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) The signature of the chairman or any person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

7. Subsection 1 of section 241 of the said Act is amended by ^{s. 241 (1), amended} striking out “and 42” in the second line and inserting in lieu thereof “42 and 46”.
8. The Metropolitan Corporation may enter into an agreement ^{Agreement re sanitary sewer} with The Corporation of the Borough of Scarborough with respect to the construction of a sanitary sewer by The Corporation of the Borough of Scarborough extending northerly from Finch Avenue to Steeles Avenue in the vicinity of Brimley Road designed to receive and dispose of sewage from the Town of Markham and may contribute toward the cost thereof.
9. The council of The Corporation of the Borough of Scarborough may make a grant toward the cost of the acquisition of the ^{Grant re acquisition of golf course} Tam O'Shanter Golf Course by The Metropolitan Toronto and Region Conservation Authority and debentures may be issued in respect of such grant or any part thereof without the assent of the electors.
- 10.—(1) This Act, except section 9, comes into force on the day ^{Commencement} it receives Royal Assent.
- (2) Section 9 shall be deemed to have come into force on the ^{Idem} 1st day of November, 1973.
11. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1973* (No. 2). ^{Short title}

BILL 267

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

December 4th, 1973

2nd Reading

December 7th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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-B 56

Government
Publications

BILL 268

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Employment Standards Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Terms and conditions of employment contained in an agreement under *The Labour Relations Act* regarding vacation pay and holiday pay shall prevail where they confer greater rights or benefits than those conferred by *The Employment Standards Act*.

SECTION 2. Termination of employment provisions are to apply to employees affected by orders made under *The Environmental Protection Act, 1971*.

SECTION 3. Overtime is payable at present after forty-eight hours of work per week. Commencing on the 1st day of January, 1975, overtime shall be payable after forty-four hours of work.

BILL 268

1973

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 5a,
enacted

5a. Where the Director finds that a term or condition of employment in a collective agreement as defined in *The Labour Relations Act* confers a higher remuneration in money or a greater right or benefit respecting vacation pay or holidays with pay than the provisions of Part VII or VII-A, the term or condition of employment in the collective agreement shall prevail. Provisions
of
collective
agreements
R.S.O. 1970,
c. 232

2. Section 13 of the said Act is amended by adding thereto the following subsection: s. 13,
amended

(3a) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to a person whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act*, 1971. Application
of subss. 1, 2
1971, c. 86

3. Section 21 of the said Act is repealed and the following substituted therefor: s. 21,
re-enacted

21.—(1) Where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours an amount not less than one and one-half times his regular rate. Overtime
pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. Idem

Application	4. Notwithstanding section 3, subsection 1 of section 21 of <i>The Employment Standards Act</i> , being chapter 147 of the Revised Statutes of Ontario, 1970, continues to apply in the year 1974.
ss. 27-30, re-enacted; s. 31, repealed	5. Sections 27, 28, 29, 30 and 31 of the said Act are repealed and the following substituted therefor:
Vacations	27.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment.
Idem	(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the total wages of the employee earned in the twelve months of employment for which the vacation is given.
When vacation taken	28.—(1) The employer shall determine the period when an employee may take the vacation provided by section 27, which may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given.
Director may require employer to pay	(2) Notwithstanding subsection 1, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 27.
Vacation pay	29. Where the employment of an employee by an employer ceases before the completion of a twelve month period of employment or the employee has not been paid or given a vacation with pay pursuant to section 27, the employer shall pay to the employee an amount equal to 4 per cent of the total wages of the employee earned in any twelve month period or part thereof in respect of which no vacation with pay has been given under this Part.
Agreements for pay in lieu of vacation	30. Any agreement between an employer and his employee respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director.
Application	6. Notwithstanding section 5, sections 27, 29 and 30 of <i>The Employment Standards Act</i> , being chapter 147 of the Revised Statutes of Ontario, 1970, continue to apply for the purpose of calculating the vacation and vacation pay to which an employee is entitled under the said sections 27 and 29 or the amount to which an employee is entitled under the said section 30, for the period of his employment before the 1st day of January, 1974.

SECTION 4. Complementary to section 2.

SECTION 5. Annual paid vacations shall be increased from one week to two weeks after one year of service effective on the 1st day of January, 1974 (Section 27).

The remainder of the sections of the Act being re-enacted are also updated to reflect present practice and policy respecting vacations.

SECTION 6. Complementary to section 5.

SECTION 7. At the present time, the Act only requires premium rates for work actually performed on any of the seven named holidays. The new Part gives to an employee who meets the conditions set out in subsection 2 of section 31*b* paid holidays for four holidays in 1974, and paid holidays for seven holidays in 1975 and thereafter. An employee who does not meet the conditions set out in subsection 2 of section 31*b* continues to receive premium rates for work performed on any of the seven named holidays.

7. The said Act is amended by adding thereto the following Part VII-A,
(ss. 31a-31c),
enacted
Part:

PART VII-A

HOLIDAYS WITH PAY

31a.—(1) For the purposes of section 31b and subsection 1 Interpre-
tation of section 31c, “holiday” shall in the year 1974 mean Good Friday, Dominion Day, Labour Day and Christmas Day and where Dominion Day or Christmas Day falls on a Sunday, the day next following is the holiday.

(2) Where an employee to whom subsection 1 of section 31b applies is required to work and does work on New Year’s Day, Victoria Day and Thanksgiving Day in the year 1974, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate. Application
of Part

31b.—(1) Subject to subsection 2, and except as otherwise Holiday
with pay provided by this Part, an employer shall give to each of his employees a holiday on a day that is a holiday and pay the employee his regular wages for the holiday.

(2) Subsection 1 does not apply to an employee who, Application

(a) is employed for less than three months;

(b) has not earned wages for at least twelve working days during the thirty calendar days immediately preceding the holiday;

(c) does not work on his regular day of work preceding and following the holiday; or

(d) is employed under an arrangement whereby he may elect to work or not when requested so to do.

(3) The employer may, with the consent of the employee Substituted
day or his agent, substitute for the holiday another working day that is earlier than or not later than thirty days from the date of the holiday, and the substituted day shall be the holiday for the purposes of this Part.

(4) Where a holiday falls upon a non-working day for an Idem employee or during the vacation of an employee, the employer shall designate a working day for the holiday that is earlier than or not later than thirty days from the date of the holiday, and the designated day shall be a holiday for the purposes of this Part.

Work on
holiday

31*c*.—(1) Where an employee to whom subsection 1 of section 31*b* applies is required to work and works on a holiday, the employer shall pay the employee for his work his wages at his regular rate, an additional amount of one and one-half times his regular rate as holiday pay, and in addition any overtime pay to which the employee is entitled under Part IV.

Idem

(2) Where an employee to whom subsection 1 of section 31*b* does not apply is required to work, and works on a holiday, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate.

s. 32 (2),
amended

8. Subsection 2 of section 32 of the said Act is amended by striking out “homemaker” in the first line and inserting in lieu thereof “homeworker”.

Commence-
ment

9. This Act comes into force on the 1st day of January, 1974.

Short title

10. This Act may be cited as *The Employment Standards Amendment Act, 1973*.

SECTION 8. Corrects a typographical error.

An Act to amend
The Employment Standards Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. F. GUINDON
Minister of Labour

(Government Bill)

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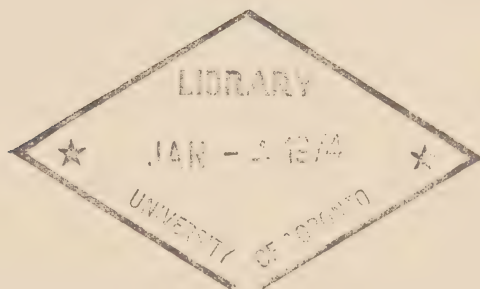
BILL 268

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Employment Standards Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 268

1973

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 5a,
enacted

5a. Where the Director finds that a term or condition of employment in a collective agreement as defined in *The Labour Relations Act* confers a higher remuneration in money or a greater right or benefit respecting vacation pay or holidays with pay than the provisions of Part VII or VII-A, the term or condition of employment in the collective agreement shall prevail. Provisions
of
collective
agreements
R.S.O. 1970,
c. 232

2. Section 13 of the said Act is amended by adding thereto the following subsection: s. 13,
amended

(3a) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to a person whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act*, 1971. Application
of subss. 1, 2
1971, c. 86

3. Section 21 of the said Act is repealed and the following substituted therefor: s. 21,
re-enacted

21.—(1) Where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours an amount not less than one and one-half times his regular rate. Overtime
pay

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. Idem

Application	4. Notwithstanding section 3, subsection 1 of section 21 of <i>The Employment Standards Act</i> , being chapter 147 of the Revised Statutes of Ontario, 1970, continues to apply in the year 1974.
ss. 27-30, re-enacted; s. 31, repealed	5. Sections 27, 28, 29, 30 and 31 of the said Act are repealed and the following substituted therefor:
Vacations	27.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment.
Idem	(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the total wages of the employee earned in the twelve months of employment for which the vacation is given.
When vacation taken	28.—(1) The employer shall determine the period when an employee may take the vacation provided by section 27, which may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given.
Director may require employer to pay	(2) Notwithstanding subsection 1, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 27.
Vacation pay	29. Where the employment of an employee by an employer ceases before the completion of a twelve month period of employment or the employee has not been paid or given a vacation with pay pursuant to section 27, the employer shall pay to the employee an amount equal to 4 per cent of the total wages of the employee earned in any twelve month period or part thereof in respect of which no vacation with pay has been given under this Part.
Agreements for pay in lieu of vacation	30. Any agreement between an employer and his employee respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director.
Application	6. Notwithstanding section 5, sections 27, 29 and 30 of <i>The Employment Standards Act</i> , being chapter 147 of the Revised Statutes of Ontario, 1970, continue to apply for the purpose of calculating the vacation and vacation pay to which an employee is entitled under the said sections 27 and 29 or the amount to which an employee is entitled under the said section 30, for the period of his employment before the 1st day of January, 1974.

7. The said Act is amended by adding thereto the following Part VII-A,
(ss. 31a-31c),
enacted
Part:

PART VII-A

HOLIDAYS WITH PAY

31a.—(1) For the purposes of section 31b and subsection 1 Interpre-
tation of section 31c, “holiday” shall in the year 1974 mean Good Friday, Dominion Day, Labour Day and Christmas Day and where Dominion Day or Christmas Day falls on a Sunday, the day next following is the holiday.

(2) Where an employee to whom subsection 1 of section Application
of Part 31b applies is required to work and does work on New Year's Day, Victoria Day and Thanksgiving Day in the year 1974, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate.

31b.—(1) Subject to subsection 2, and except as otherwise Holiday
with pay provided by this Part, an employer shall give to each of his employees a holiday on a day that is a holiday and pay the employee his regular wages for the holiday.

(2) Subsection 1 does not apply to an employee who, Application

- (a) is employed for less than three months;
- (b) has not earned wages for at least twelve working days during the thirty calendar days immediately preceding the holiday;
- (c) does not work on his regular day of work preceding and following the holiday; or
- (d) is employed under an arrangement whereby he may elect to work or not when requested so to do.

(3) The employer may, with the consent of the employee Substituted
day or his agent, substitute for the holiday another working day that is earlier than or not later than thirty days from the date of the holiday, and the substituted day shall be the holiday for the purposes of this Part.

(4) Where a holiday falls upon a non-working day for an Idem employee or during the vacation of an employee, the employer shall designate a working day for the holiday that is earlier than or not later than thirty days from the date of the holiday, and the designated day shall be a holiday for the purposes of this Part.

Work on
holiday

31c.—(1) Where an employee to whom subsection 1 of section 31b applies is required to work and works on a holiday, the employer shall pay the employee for his work his wages at his regular rate, an additional amount of one and one-half times his regular rate as holiday pay, and in addition any overtime pay to which the employee is entitled under Part IV.

Idem

(2) Where an employee to whom subsection 1 of section 31b does not apply is required to work, and works on a holiday, the employer shall pay the employee for each hour worked an amount not less than one and one-half times his regular rate.

s. 32 (2),
amended

8. Subsection 2 of section 32 of the said Act is amended by striking out “homemaker” in the first line and inserting in lieu thereof “homeworker”.

Commence-
ment

9. This Act comes into force on the 1st day of January, 1974.

Short title

10. This Act may be cited as *The Employment Standards Amendment Act, 1973*.

An Act to amend
The Employment Standards Act

1st Reading

December 4th, 1973

2nd Reading

December 11th, 1973

3rd Reading

December 13th, 1973

THE HON. F. GUINDON
Minister of Labour

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BILL 269

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

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EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. “Dependent widower” is defined.

Subsection 2. Volunteer municipal ambulance brigades are added.



An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by striking out "workman", "workman's", "workmen" and "workmen's" wherever such expressions occur and inserting in lieu thereof in each instance "employee", "employee's", "employees" and "employees'" as the case may be. ^{Act, amended}

- 2.—(1) Subsection 1 of section 1 of the said Act is amended by adding thereto the following clause: ^{s.1 (1), amended}

(ga) "dependent widower" means the man who was the legal husband and a dependant of an employee immediately before her death.

- (2) Subsection 4 of the said section 1 is repealed and the following substituted therefor: ^{s.1 (4), re-enacted}

(4) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 3 shall be deemed to be the employer of a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than a rate which will provide the minimum amount of compensation under section 43 or more than the maximum rate of annual earnings established by subsection 1 of section 44. ^{Volunteer fire or ambulance brigade}

s. 11,
re-enacted

- 3.** Section 11 of the said Act is repealed and the following substituted therefor:

Where employer carried on payroll, he and dependants entitled to compensation

11. Where compensation is payable out of the accident fund and an employer carries himself on his payroll or an executive officer of a corporation is carried on the payroll of the corporation at a salary or wage that the Board considers reasonable, but at a rate not less than a rate which will provide the minimum amount of compensation provided by section 43 or more than the maximum rate of annual earnings established by section 44 and it is stated in the payroll statement furnished to the Board under section 93 that it is desired that such employer or executive officer be included as an employee, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be an employee within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

s. 26 (4),
re-enacted

- 4.** Subsection 4 of section 26 of the said Act is repealed and the following substituted therefor:

Advances on account of compensation

(4) In any case where compensation is payable and the Board is of the opinion that the interest or pressing need of the employee or dependant warrants it, the Board may advance or pay to or for the employee or dependant such lump sum as the circumstances warrant.

s. 36 (1) (c, d),
re-enacted

- 5.—(1)** Clauses *c* and *d* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, are repealed and the following substituted therefor:

(c) where the widow or a widower is the sole dependant, a monthly payment of \$250;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years.

s. 36 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 36 are repealed and the following substituted therefor:

Common-law wife or husband

(2) Where an employee has had for the entire period of six years immediately preceding his or her death a common-law

SECTION 3. The minimum personal coverage for an employer is increased to the minimum amount of compensation provided by section 43.

SECTION 4. The power to make advances is extended to employees of an employer under Schedule 2.

SECTIONS 5 AND 6. The benefits are extended to dependent widowers.

SECTION 7. Application of sections 5 and 6.

wife or husband or where an employee has had during the entire period of two years immediately preceding his or her death a common-law wife or husband by whom he or she has had one or more children and leaves no dependent widow or widower, the compensation to which a dependent widow or widower would have been entitled under this Part may in the discretion of the Board be paid to the dependent common-law wife or husband until such time as he or she marries.

(3) A dependent common-law wife or husband receiving ^{Idem} compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother or foster-father to the children of the deceased employee.

(3) Subsections 6 and 7 of the said section 36 are repealed ^{s. 36 (6, 7), re-enacted} and the following substituted therefor:

(6) Where the employee leaves no widow or widower or ^{Payment of monthly allowance to foster-mother} the widow or widower subsequently dies, or where there is a mother of a dependent illegitimate child, and an aunt, sister, mother of an illegitimate child, or other suitable person acts as foster-mother in maintaining and taking care of the children entitled to compensation in a manner that the Board considers satisfactory, such foster-mother while so doing is entitled to receive the same monthly payments of compensation for herself and the children as if she were a widow or widower of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments that they would otherwise have been entitled to receive.

(7) In addition to any other compensation provided for, ^{Payment of lump sum} the widow or widower, or where the employee leaves no widow or widower, the foster-mother, as described in subsection 6, is entitled to a lump sum of \$500.

6. Section 37 of the said Act is repealed and the following substituted therefor: ^{s. 37, re-enacted}

37.—(1) If a dependent widow or widower remarries or a ^{Remarriage of widow or widower} dependent common-law wife or husband remarries, the monthly payments shall cease, but such widow or widower is entitled in lieu of them to a lump sum equal to the monthly payments for two years, and the lump sum is payable within one month after the day of the remarriage.

(2) Subsection 1 does not apply to payments to a widow or ^{Exception} widower in respect of a child.

7. Sections 5 and 6 do not apply to a widower or a dependent ^{Non-application} common-law husband where his death occurred before the 1st day of January, 1974.

ss. 54-81,
re-enacted

8. Sections 54 to 71, section 72 as amended by the Statutes of Ontario, 1973, chapter 46, section 5, and sections 73 to 81 of the said Act are repealed and the following substituted therefor:

WORKMEN'S COMPENSATION BOARD

Board
continued

54.—(1) The body corporate incorporated under the name Workmen's Compensation Board" is continued.

R.S.O. 1970,
c. 89 not to
apply

(2) *The Corporations Act* does not apply to the Board.

Appointment
of commis-
sioners

55. The Lieutenant Governor in Council may, from time to time, appoint such persons as he may determine to be commissioners of the Board.

Designation
of chairman,
vice-chairmen,
respectively

56. The Lieutenant Governor in Council shall designate one of the commissioners to be chairman, one to be vice-chairman of administration, one to be vice-chairman of appeals, and not more than four to be commissioners of appeals respectively, and such persons shall constitute the Board.

Interpre-
tation

57. In this Part, the term "commissioner" means the chairman, the vice-chairman of administration, the vice-chairman of appeals, the commissioners of appeals, and such commissioners as the Lieutenant Governor in Council has appointed, and "commissioners" has a corresponding meaning.

Remunera-
tion, etc., of
commis-
sioners

58. The remuneration, benefits and expenses of the commissioners shall be determined from time to time by the Lieutenant Governor in Council and such remuneration, benefits and expenses shall be part of the administrative expenses of the Board.

Filling of
vacancy

59. The Lieutenant Governor in Council may fill any vacancy that occurs among the commissioners.

Tenure of
office

60. The commissioners shall hold office for a term of not more than five years but any commissioner whose term is expiring or has expired is eligible for reappointment.

Removal of
commissioner
for cause

61. A commissioner may be removed from office before the expiration of his term for cause.

Chief
executive
officer

62.—(1) The chairman is the full-time chief executive officer of the Board.

Chief
administra-
tive officer

(2) The vice-chairman of administration is the full-time chief administrative officer of the Board and shall perform his duties under the general supervision of the chairman.

SECTION 8. Sections 54 to 81*d* deal with the appointment and organization of the Board. Commissioners are to be appointed by the Lieutenant Governor in Council who is to designate the chief officers. The sections separate the administrative and executive functions, and the appellate functions of the Board. The functions of the Board are set out in section 70.

Any three commissioners form a quorum for the purposes of hearing appeals or applications and panels of three commissioners can operate to hear appeals. Under certain circumstances, one commissioner may hear appeals or applications.

The Board may establish rules regulating procedures before it.

No commissioner or employee of the Board is to be called as a witness in a private suit.

Annual reports are to be filed with the Minister and the Superintendent of Insurance is to receive financial reports on the accident fund.

(3) The vice-chairman of appeals is the full-time chief ^{Chief appeals officer} appeals officer of the Board and shall perform his duties under the general supervision of the chairman.

(4) The other commissioners shall assist the vice-chairman ^{Idem} of appeals in the performance of his duties.

63.—(1) In the absence of the chairman from the Province, ^{Where vice-chairman of administration may act} his inability to act, or where the office of chairman is vacant, his duties shall be performed by the vice-chairman designated by the chairman, or where the chairman has failed to so designate, by a vice-chairman designated by the Minister of Labour.

(2) Wherever it appears that a vice-chairman acted for ^{Presumption where vice-chairman acts} and instead of the chairman, it shall be conclusively presumed that he has so acted in the absence, disability or vacancy in the office of the chairman.

64.—(1) A commissioner shall not directly or indirectly, ^{Disqualification of commissioner in certain cases}

(a) have, purchase, take or become interested in any industry to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;

(b) be the holder of shares, bonds, debentures or other securities of any company that carries on the business of employers' liability or accident insurance;

(c) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such ^{Idem} share, bond, debenture, security or thing comes to or becomes vested in a commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he ceases to hold office.

65.—(1) Where a commissioner resigns or his term expires, ^{Where commissioner resigns or term expires} he may carry out and complete any duties or responsibilities that he would have had if he had not resigned or his term had not expired in respect of any application, proceeding or matter in which he participated as a commissioner.

(2) Where a person is no longer a commissioner by ^{Powers of remaining commissioners where death occurs, etc.} reason of death, disqualification or removal from office for cause, the remaining commissioners that heard any application, proceeding or matter in which the person participated may carry out and complete the application, proceeding or matter

as if the person were still a commissioner and, where there is a difference of opinion, the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board and, where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as a commissioner of the Board is the action or decision of the Board.

Offices of
Board

66.—(1) The main offices of the Board shall be situate in The Municipality of Metropolitan Toronto.

Sittings

(2) Notwithstanding subsection 1, the Board, a panel of the Board or a commissioner may meet or hold sittings in any place in Ontario as is considered convenient.

Board
may act on
report of
officers

67.—(1) The Board may act upon the report of any of its officers.

Powers of
Board

(2) Any inquiry that the Board considers necessary to make may be made by any commissioner or officer of the Board or by some other person appointed by the Board to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

Power of
Board
to make
regulations

68.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make such regulations as may be considered expedient for carrying out the provisions of this Part.

Offence

(2) Every person who contravenes any such regulation or any rule of an association formed as provided by section 119 that has been approved and ratified as provided by that section is guilty of an offence and for every contravention is on summary conviction liable to a fine of not more than \$50, but no prosecution for any such contravention shall be taken without leave of the Board.

Power to
acquire real
property

69. Subject to the approval of the Lieutenant Governor in Council, the Board may purchase or otherwise acquire such real property as it may consider necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Meetings of
Board

70.—(1) Meetings of the Board shall be held at the call of the chairman but in no case shall more than three months elapse between meetings of the Board.

Quorum

(2) A majority of the commissioners of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

(3) The Board has power to,

Powers of
Board

- (a) establish the assessment policies of the Board;
- (b) review this Act and the regulations and recommend amendments or revisions thereof;
- (c) consider and approve annual operating and capital budgets;
- (d) review and approve investment policies of the Board;
- (e) review and approve major changes in programs of the Board;
- (f) enact by-laws and pass resolutions for the adoption of a seal and the conduct of its business and affairs;
- (g) establish, maintain and regulate advisory councils or committees, their functions and composition; and
- (h) establish, with the approval of the Lieutenant Governor in Council, a Joint Consultative Committee representative of labour, management and the public.

71.—(1) The chairman, subject to the approval of the Lieutenant Governor in Council, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary ranges so approved.

Powers of
chairman

(2) When the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any services, such person shall be paid such sum for services and expenses as the chairman may determine.

Remuneration for
services
performed

72. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the chairman to be a true copy or extract under the seal of the Board shall be received in any court as evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records, etc.,
as evidence

Superannuation Fund

73.—(1) The fund known as the Workmen's Compensation Board Superannuation Fund, for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is continued.

Regulations

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for contributions to the superannuation fund by the commissioners and employees of the Board;
- (b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the superannuation fund and the persons to whom the superannuation or other allowance may be paid;
- (c) providing for the terms and conditions upon which funds will be received and transferred under subsections 6, 7 and 8;
- (d) providing for the terms and conditions under which agreements may be entered into under subsection 8.

Employees of accident prevention associations

(3) The employees of designated associations for accident prevention formed under subsection 1 of section 119 and the employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 119, shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation on the 10th day of April, 1952, shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation.

Idem

(4) The Board may designate associations and corporations for the purposes of subsection 3.

Cost of administering fund

(5) The cost of maintaining and administering the superannuation fund shall be deemed part of the cost of the administration of this Act and is chargeable to the accident fund.

Transfer from superannuation fund to like fund

(6) Where a commissioner or employee of the Board becomes a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act

of the Legislature of any province or of the Parliament of Canada, a sum of money equal to his contributions and credits in the superannuation fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the superannuation fund into any like fund maintained to provide superannuation benefits for the members of such public, civil or civic service or staff, as the case may be.

(7) Where a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature of any province or of the Parliament of Canada becomes a contributor to the superannuation fund and a sum of money is paid into the superannuation fund in respect of the period during which he made contributions as a public, civil or civic servant, or an employee of any board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the superannuation fund in respect of the sum and the period of service represented thereby as is determined.

Transfer
to super-
annuation
fund

(8) Notwithstanding subsection 1 and the regulations made under subsection 2, the Board, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned in subsection 6 or 7 to provide reciprocal arrangements for the transfer of contributions and credits and where such an agreement exists such transfer shall be in accordance with the agreement.

Agreements
authorized

APPLICATIONS, APPEALS AND PROCEEDINGS

74.—(1) The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court.

General
jurisdiction
of Board

(2) Without limiting the generality of subsection 1, such exclusive jurisdiction includes the power of determining,

Specific
jurisdiction
of Board

- (a) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 1, and, if so, which of them;
- (b) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 2, and, if so, which of them;
- (c) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Part;
- (d) the existence of, and degree of, disability by reason of any injury;
- (e) the permanence of disability by reason of any injury;
- (f) the amount of average earnings;
- (g) the degree of diminution of earning capacity by reason of any injury;
- (h) the existence of the relationship of "member of the family";
- (i) the existence of dependency;
- (j) the question whether personal injury or death has been caused by accident;
- (k) the question whether an accident arose out of and in the course of an employment within the scope of this Act.

Power to
reconsider

75. The Board may, at any time if it considers it advisable to do so, reconsider any decision, order, declaration or ruling made by it and vary, amend or revoke such decision, order, declaration or ruling.

Quorum of
commis-
sioners, etc.

76.—(1) For the purposes of any application, appeal or proceeding before the Board, any three of the commissioners, save and except the vice-chairman of administration, constitute a quorum of the Board and are sufficient to exercise all the jurisdiction and powers of the Board except those contained in subsection 3 of section 70 in dealing with any application, appeal or proceeding.

(2) The Board may sit in two or more panels so long as a ^{Panels} quorum is present in each panel.

(3) The chairman or the vice-chairman of appeals may ^{Assignment of commis-} from time to time assign the commissioners to the panels ^{sioners} and may change any assignment at any time.

(4) The action or decision of the majority of the members ^{Action or decision} of a panel is the action or decision of the Board, and where there is no majority the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board, and where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as commissioner is the action or decision of the Board.

(5) The chairman or vice-chairman of appeals may appoint ^{Powers re-} a commissioner or any other person to make and conduct an ^{conduct of} inquiry into any application, appeal or proceeding before the Board or a matter or thing arising therein and to report to the Board on a summary of the evidence his findings of fact and his opinion thereon and the Board or panel may act upon the summary or evidence, the findings of fact and his opinion or may substitute its own findings of fact or opinion therefor.

77.—(1) Notwithstanding section 76,

^{Delegation of powers}

(a) the chairman or the vice-chairman of appeals; or

(b) a commissioner except the vice-chairman of administration whenever authorized so to do by either the chairman or the vice-chairman of appeals,

may hear and determine any application, appeal or proceeding before the Board and for such purpose may exercise all the jurisdiction and powers of the Board in dealing with any such application, appeal or proceeding and the action or decision of the chairman, the vice-chairman of appeals, or the commissioner, as the case may be, is the action or decision of the Board.

(2) Where the chairman, vice-chairman, or commissioner ^{Referral to Board for} acting under subsection 1 considers it advisable so to do, ^{action or decision} he may refer or remit the application, appeal or proceeding to the Board for its action or decision.

(3) An appeal lies to the Board or a panel thereof under ^{Appeal} the provisions of section 76 from the dismissal or refusal of an application, appeal or proceeding by the chairman, vice-chairman or commissioner acting under subsection 1.

Practice
and
procedure
of Board

78. The Board shall determine its own practice and procedure in relation to applications, appeals and proceedings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Principle of
decision

79.—(1) Any decision of the Board shall be upon the real merits and justice of the case, and it is not bound to follow strict legal precedent but shall give full opportunity for a hearing.

Non-
application
of 1971, c. 47

(2) The proceeding and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of this Act and the regulations made thereunder shall prevail notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971*, or rules made under it.

Specific
powers of
Board re
hearings,
etc.

80. The Board has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents or things as the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to accept such oral or written evidence as in its discretion it considers proper whether admissible in a court of law or not;
- (c) to allow to an employee, dependant of a deceased employee or his witnesses travelling and living expenses and other allowances and such expenses and allowances shall be paid out of the accident fund as part of the administrative expenses of the Board;
- (d) to require any person or corporation to post and to keep posted upon their premises in a conspicuous place or places, where they are most likely to come to the attention of all persons concerned, any notices that the Board considers necessary to bring to the attention of such persons in connection with any matter or proceeding under this Act;

- (e) to enter into any premises where work is being or has been done by an employee or in which the employer carries on business whether or not the premises are those of the employer and inspect and view any work, material, machinery, appliance or article therein and interrogate any person respecting any matter and post therein any notice;
- (f) to authorize any person to do anything that the Board may do and to report to the Board thereon.

81.—(1) An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy, may be filed with the clerk of any county or district court and, when so filed, becomes an order of that court and may be enforced as a judgment of the court.

(2) For the duties performed by him in connection with the filing of an order or certificate of the Board pursuant to this section or section 112, such clerk is entitled to a fee of \$1, and, notwithstanding any other provision or rule, any proceeding provided for by either of such sections may be carried on by the Board by post without the necessity of personal attendance at any office.

81a.—(1) No commissioner of the Board, or any other commissioner or an officer or employee of the Board, or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to give testimony in any civil suit or proceeding to which the Board is not a party respecting any information, material, statement or result of any examination, test or inquiry acquired, furnished, obtained, made or received in the performance of his duties under this Act.

(2) Neither the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to produce in a civil suit to which the Board is not a party a document, extract, report, material or statement acquired, furnished, obtained, made or received in the performance of his duties under this Act.

Liability
of Board,
etc.

(3) No action or other proceeding for damages lies against the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function for an act or omission done or committed to be done by it or him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of
Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Audit of
accounts

81*b*. The accounts of the Board shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose and the salary and remuneration of the auditor so appointed shall be paid by the Board as part of its administrative expenses.

Annual
report

81*c*.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister of Labour shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Report by
Board

(3) The Board shall after the close of each year file with the Superintendent of Insurance, in such detail as he may require, a report on the accident fund.

Examination
by Super-
intendent of
Insurance

(4) The Superintendent of Insurance shall, whenever required by the Lieutenant Governor in Council or the Board, examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant Governor in Council or the Board.

Provincial
grant

81*d*. To assist in defraying the expenses incurred in the administration of this Part, there shall be paid to the Board out of the Consolidated Revenue Fund such annual

SECTION 9. Compensation is extended to employees suffering industrial disease regardless of reduction of earning capacity. Authority to make agreements for compensation is extended to loss of hearing due to industrial noise.

sum not exceeding \$100,000 as the Lieutenant Governor in Council may direct.

- 9.—(1) Subsections 1 and 6 of section 118 of the said Act ^{s. 118 (1, 6), re-enacted} are repealed and the following substituted therefor:

(1) Where an employee suffers from an industrial disease ^{Industrial diseases to be deemed accidents} and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease.

(6) The amount of the compensation shall be fixed with ^{Fixing of compensation} reference to the average earnings of the employee as calculated under the provisions of section 44, but for the purposes of this section, where an employee is no longer engaged in the trade, occupation, profession or calling to which the disease is due, the Board may determine his average earnings at an amount that it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling to which the disease is due during the twelve months prior to the commencement of disability, but not in any case exceeding the rate provided by subsection 1 of section 44.

(6a) Subsections 1 and 6 do not apply to an employee ^{Idem} who has been awarded compensation for an industrial disease under section 42 prior to the 1st day of January, 1974, or entitle any employee to claim additional compensation for any period prior to that date, and shall apply only to benefits payable to an employee on and after that date.

(6b) The notice provided for by section 20 shall be ^{Notice} given to the employer who last employed the employee in the employment to the nature of which the disease was due and the notice may be given notwithstanding that the employee has voluntarily left the employment.

- (2) Subsection 9 of the said section 118 is repealed.

s. 118 (9),
repealed

s. 118,
amended

(3) The said section 118 is amended by adding thereto the following subsection:

Agreements
for sharing
costs of
industrial
noise claims

(11a) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of industrial noise induced hearing loss claims in proportion to the actual or estimated amount of exposure in Ontario to industrial noise which contributed to the hearing loss.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973 (No. 2)*.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 4th, 1973

2nd Reading

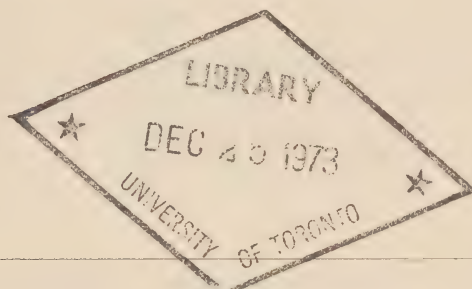
3rd Reading

THE HON. F. GUINDON
Minister of Labour

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**



THE HON. F. GUINDON
Minister of Labour

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. “Dependent widower” is defined.

Subsection 2. Volunteer municipal ambulance brigades are added.

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by striking out "workman", "workman's", "workmen" and "workmen's" wherever such expressions occur and inserting in lieu thereof in each instance "employee", "employee's", "employees" and "employees'" as the case may be. Act,
amended

- 2.—(1) Subsection 1 of section 1 of the said Act is amended by adding thereto the following clause: s. 1 (1),
amended

(ga) "dependent widower" means the man who was the legal husband and a dependant of an employee immediately before her death.

- (2) Subsection 4 of the said section 1 is repealed and the following substituted therefor: s. 1 (4),
re-enacted

(4) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 3 shall be deemed to be the employer of a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than a rate which will provide the minimum amount of compensation under section 43 or more than the maximum rate of annual earnings established by subsection 1 of section 44. Volunteer
fire or
ambulance
brigade

s. 11,
re-enacted

3. Section 11 of the said Act is repealed and the following substituted therefor:

Where
employer
carried on
payroll,
he and
dependants
entitled to
compensation

11. Where compensation is payable out of the accident fund and an employer carries himself on his payroll or an executive officer of a corporation is carried on the payroll of the corporation at a salary or wage that the Board considers reasonable, but at a rate not less than a rate which will provide the minimum amount of compensation provided by section 43 or more than the maximum rate of annual earnings established by section 44 and it is stated in the payroll statement furnished to the Board under section 93 that it is desired that such employer or executive officer be included as an employee, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be an employee within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

s. 26 (4),
re-enacted

4. Subsection 4 of section 26 of the said Act is repealed and the following substituted therefor:

Advances
on account
of compensation

(4) In any case where compensation is payable and the Board is of the opinion that the interest or pressing need of the employee or dependant warrants it, the Board may advance or pay to or for the employee or dependant such lump sum as the circumstances warrant.

s. 36 (1) (c, d),
re-enacted

- 5.—(1) Clauses *c* and *d* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, are repealed and the following substituted therefor:

(*c*) where the widow or a widower is the sole dependant, a monthly payment of \$250;

(*d*) where the dependants are a widow or a widower and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years.

s. 36 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 36 are repealed and the following substituted therefor:

Common-law
wife or
husband

(2) Where an employee has had for the entire period of six years immediately preceding his or her death a common-law

SECTION 3. The minimum personal coverage for an employer is increased to the minimum amount of compensation provided by section 43.

SECTION 4. The power to make advances is extended to employees of an employer under Schedule 2.

SECTIONS 5 AND 6. The benefits are extended to dependent widowers.

SECTION 7. Application of sections 5 and 6.

wife or husband or where an employee has had during the entire period of two years immediately preceding his or her death a common-law wife or husband by whom he or she has had one or more children and leaves no dependent widow or widower, the compensation to which a dependent widow or widower would have been entitled under this Part shall be paid to the dependent common-law wife or husband until such time as he or she marries.

(3) A dependent common-law wife or husband receiving ^{Idem} compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased employee.

(3) Subsections 6 and 7 of the said section 36 are repealed ^{s. 36 (6, 7), re-enacted} and the following substituted therefor:

(6) Where a child is entitled to compensation under this section and is being maintained and taken care of by a suitable person who is acting *in loco parentis* in a manner that the Board considers satisfactory, such person while so doing is entitled to receive the same monthly payments of compensation for himself or herself and the child as if he or she were a widower or widow of the deceased and in such case the child's part of such payments shall be in lieu of the monthly payments that he would otherwise be entitled to receive.

(7) In addition to any other compensation provided for the widow or widower, or where the employee leaves no widow or widower, the foster-mother, as described in subsection 6, is entitled to a lump sum of \$500. ^{Payment of lump sum}

6. Section 37 of the said Act is repealed and the following substituted therefor: ^{s. 37, re-enacted}

37.—(1) If a dependent widow or widower remarries or a dependent common-law wife or husband remarries, the monthly payments shall cease, but such widow or widower or dependent common-law wife or husband is entitled in lieu of them to a lump sum equal to the monthly payments for two years, and the lump sum is payable within one month after the day of the remarriage. ^{Remarriage of widow or widower}

(2) Subsection 1 does not apply to payments to a widow or widower in respect of a child. ^{Exception}

7. Sections 5 and 6 do not apply to a widower or a dependent common-law husband where death occurred before the 1st day of January, 1974. ^{Non-application}

ss. 54-81,
re-enacted

8. Sections 54 to 71, section 72 as amended by the Statutes of Ontario, 1973, chapter 46, section 5, and sections 73 to 81 of the said Act are repealed and the following substituted therefor:

WORKMEN'S COMPENSATION BOARD

Board
continued

54.—(1) The body corporate incorporated under the name Workmen's Compensation Board" is continued.

R.S.O. 1970,
c. 89 not to
apply

(2) *The Corporations Act* does not apply to the Board.

Appointment
of commis-
sioners

55. The Lieutenant Governor in Council may, from time to time, appoint such persons as he may determine to be commissioners of the Board.

Designation
of chairman,
vice-chairmen,
respectively

56. The Lieutenant Governor in Council shall designate one of the commissioners to be chairman, one to be vice-chairman of administration, one to be vice-chairman of appeals, and not less than two and not more than four to be commissioners of appeals respectively, and such persons shall constitute the Board.

Interpre-
tation

57. In this Part, the term "commissioner" means the chairman, the vice-chairman of administration, the vice-chairman of appeals, the commissioners of appeals, and such commissioners as the Lieutenant Governor in Council has appointed, and "commissioners" has a corresponding meaning.

Remunera-
tion, etc., of
commis-
sioners

58. The remuneration, benefits and expenses of the commissioners shall be determined from time to time by the Lieutenant Governor in Council and such remuneration, benefits and expenses shall be part of the administrative expenses of the Board.

Filling of
vacancy

59. The Lieutenant Governor in Council may fill any vacancy that occurs among the commissioners.

Tenure of
office

60. The commissioners shall hold office for a term of not more than five years but any commissioner whose term is expiring or has expired is eligible for reappointment.

Removal of
commissioner
for cause

61. A commissioner may be removed from office before the expiration of his term for cause.

Chief
executive
officer

62.—(1) The chairman is the full-time chief executive officer of the Board.

Chief
administra-
tive officer

(2) The vice-chairman of administration is the full-time chief administrative officer of the Board and shall perform his duties under the general supervision of the chairman.

SECTION 8. Sections 54 to 81*d* deal with the appointment and organization of the Board. Commissioners are to be appointed by the Lieutenant Governor in Council who is to designate the chief officers. The sections separate the administrative and executive functions, and the appellate functions of the Board. The functions of the Board are set out in section 70.

Any three commissioners form a quorum for the purposes of hearing appeals or applications and panels of three commissioners can operate to hear appeals. Under certain circumstances, one commissioner may hear appeals or applications.

The Board may establish rules regulating procedures before it.

No commissioner or employee of the Board is to be called as a witness in a private suit.

Annual reports are to be filed with the Minister and the Superintendent of Insurance is to receive financial reports on the accident fund.

(3) The vice-chairman of appeals is the full-time chief ^{Chief appeals officer} appeals officer of the Board and shall perform his duties under the general supervision of the chairman.

(4) The other commissioners shall assist the vice-chairman ^{Idem} of appeals in the performance of his duties.

63.—(1) In the absence of the chairman from the Province, ^{Where vice-chairman of administration may act} his inability to act, or where the office of chairman is vacant, his duties shall be performed by the vice-chairman designated by the chairman, or where the chairman has failed to so designate, by a vice-chairman designated by the Minister of Labour.

(2) Wherever it appears that a vice-chairman acted for ^{Presumption where vice-chairman acts} and instead of the chairman, it shall be conclusively presumed that he has so acted in the absence, disability or vacancy in the office of the chairman.

64.—(1) A commissioner shall not directly or indirectly, ^{Disqualification of commissioner in certain cases}

(a) have, purchase, take or become interested in any industry to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;

(b) be the holder of shares, bonds, debentures or other securities of any company that carries on the business of employers' liability or accident insurance;

(c) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such ^{Idem} share, bond, debenture, security or thing comes to or becomes vested in a commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he ceases to hold office.

65.—(1) Where a commissioner resigns or his term expires, ^{Where commissioner resigns or term expires} he may carry out and complete any duties or responsibilities that he would have had if he had not resigned or his term had not expired in respect of any application, proceeding or matter in which he participated as a commissioner.

(2) Where a person is no longer a commissioner by ^{Powers of remaining commissioners where death occurs, etc.} reason of death, disqualification or removal from office for cause, the remaining commissioners that heard any application, proceeding or matter in which the person participated may carry out and complete the application, proceeding or matter

as if the person were still a commissioner and, where there is a difference of opinion, the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board and, where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as a commissioner of the Board is the action or decision of the Board.

Offices of
Board

66.—(1) The main offices of the Board shall be situate in The Municipality of Metropolitan Toronto.

Sittings

(2) Notwithstanding subsection 1, the Board, a panel of the Board or a commissioner may meet or hold sittings in any place in Ontario as is considered convenient.

Board
may act on
report of
officers

67.—(1) The Board may act upon the report of any of its officers.

Powers of
Board

(2) Any inquiry that the Board considers necessary to make may be made by any commissioner or officer of the Board or by some other person appointed by the Board to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

Power of
Board
to make
regulations

68.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make such regulations as may be considered expedient for carrying out the provisions of this Part.

Offence

(2) Every person who contravenes any such regulation or any rule of an association formed as provided by section 119 that has been approved and ratified as provided by that section is guilty of an offence and for every contravention is on summary conviction liable to a fine of not more than \$50, but no prosecution for any such contravention shall be taken without leave of the Board.

Power to
acquire real
property

69. Subject to the approval of the Lieutenant Governor in Council, the Board may purchase or otherwise acquire such real property as it may consider necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Meetings of
Board

70.—(1) Meetings of the Board shall be held at the call of the chairman but in no case shall more than two months elapse between meetings of the Board.

Quorum

(2) A majority of the commissioners of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

(3) The Board has power to,

Powers of
Board

- (a) establish the assessment policies of the Board;
- (b) review this Act and the regulations and recommend amendments or revisions thereof;
- (c) consider and approve annual operating and capital budgets;
- (d) review and approve investment policies of the Board;
- (e) review and approve major changes in programs of the Board;
- (f) enact by-laws and pass resolutions for the adoption of a seal and the conduct of its business and affairs;
- (g) establish, maintain and regulate advisory councils or committees, their functions and composition; and
- (h) establish, with the approval of the Lieutenant Governor in Council, a Joint Consultative Committee representative of labour, management and the public.

71.—(1) In accordance with personnel policies approved from time to time by the Board, the chairman, subject to the approval of the Lieutenant Governor in Council and subject to the provisions of *The Crown Employees Collective Bargaining Act, 1972*, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary ranges so approved.

Powers of
chairman

1972, c. 67

(2) When the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any services, such person shall be paid such sum for services and expenses as the chairman may determine.

Remuneration for
services
performed

72. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the chairman to be a true copy or extract under the seal of the Board shall be received in any court as evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records, etc.,
as evidence

Superannua-
tion Fund

73.—(1) The fund known as the Workmen's Compensation Board Superannuation Fund, for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is continued.

Regulations

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for contributions to the superannuation fund by the commissioners and employees of the Board;
- (b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the superannuation fund and the persons to whom the superannuation or other allowance may be paid;
- (c) providing for the terms and conditions upon which funds will be received and transferred under subsections 6, 7 and 8;
- (d) providing for the terms and conditions under which agreements may be entered into under subsection 8.

Employees
of accident
prevention
associations

(3) The employees of designated associations for accident prevention formed under subsection 1 of section 119 and the employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 119, shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation on the 10th day of April, 1952, shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation.

Idem

(4) The Board may designate associations and corporations for the purposes of subsection 3.

Cost of
administer-
ing fund

(5) The cost of maintaining and administering the superannuation fund shall be deemed part of the cost of the administration of this Act and is chargeable to the accident fund.

Transfer
from super-
annuation
fund to
like fund

(6) Where a commissioner or employee of the Board becomes a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act

of the Legislature of any province or of the Parliament of Canada, a sum of money equal to his contributions and credits in the superannuation fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the superannuation fund into any like fund maintained to provide superannuation benefits for the members of such public, civil or civic service or staff, as the case may be.

(7) Where a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature of any province or of the Parliament of Canada becomes a contributor to the superannuation fund and a sum of money is paid into the superannuation fund in respect of the period during which he made contributions as a public, civil or civic servant, or an employee of any board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the superannuation fund in respect of the sum and the period of service represented thereby as is determined.

Transfer
to super-
annuation
fund

(8) Notwithstanding subsection 1 and the regulations made under subsection 2, the Board, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned in subsection 6 or 7 to provide reciprocal arrangements for the transfer of contributions and credits and where such an agreement exists such transfer shall be in accordance with the agreement.

Agreements
authorized

APPLICATIONS, APPEALS AND PROCEEDINGS

74.—(1) The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court.

General
jurisdiction
of Board

(2) Without limiting the generality of subsection 1, such exclusive jurisdiction includes the power of determining,

Specific
jurisdiction
of Board

- (a) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 1, and, if so, which of them;
- (b) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 2, and, if so, which of them;
- (c) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Part;
- (d) the existence of, and degree of, disability by reason of any injury;
- (e) the permanence of disability by reason of any injury;
- (f) the amount of average earnings;
- (g) the degree of diminution of earning capacity by reason of any injury;
- (h) the existence of the relationship of "member of the family";
- (i) the existence of dependency;
- (j) the question whether personal injury or death has been caused by accident;
- (k) the question whether an accident arose out of and in the course of an employment within the scope of this Act.

Power to
reconsider

75. The Board may, at any time if it considers it advisable to do so, reconsider any decision, order, declaration or ruling made by it and vary, amend or revoke such decision, order, declaration or ruling.

Quorum of
commis-
sioners, etc.

76.—(1) For the purposes of any application, appeal or proceeding before the Board, any three of the commissioners, save and except the vice-chairman of administration, constitute a quorum of the Board and are sufficient to exercise all the jurisdiction and powers of the Board except those contained in subsection 3 of section 70 in dealing with any application, appeal or proceeding.

(2) The Board may sit in two or more panels so long as a ^{Panels} quorum is present in each panel.

(3) The chairman or the vice-chairman of appeals may ^{Assignment of commis-} from time to time assign the commissioners to the panels ^{sioners} and may change any assignment at any time.

(4) The action or decision of the majority of the members ^{Action or decision} of a panel is the action or decision of the Board, and where there is no majority the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board, and where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as commissioner is the action or decision of the Board.

(5) The chairman or vice-chairman of appeals may appoint ^{Powers re} a commissioner or any other person to make and conduct an ^{conduct of} inquiry into any application, appeal or proceeding before the Board or a matter or thing arising therein and to report to the Board on a summary of the evidence his findings of fact and his opinion thereon and the Board or panel may act upon the summary or evidence, the findings of fact and his opinion or may substitute its own findings of fact or opinion therefor.

77.—(1) Notwithstanding section 76,

^{Delegation of powers}

- (a) the chairman or the vice-chairman of appeals; or
- (b) a commissioner except the vice-chairman of administration whenever authorized so to do by either the chairman or the vice-chairman of appeals,

may hear and determine any application, appeal or proceeding before the Board and for such purpose may exercise all the jurisdiction and powers of the Board in dealing with any such application, appeal or proceeding and the action or decision of the chairman, the vice-chairman of appeals, or the commissioner, as the case may be, is the action or decision of the Board.

(2) Where the chairman, vice-chairman, or commissioner ^{Referral to Board for action or decision} acting under subsection 1 considers it advisable so to do, he may refer or remit the application, appeal or proceeding to the Board for its action or decision.

(3) An appeal lies to the Board or a panel thereof under ^{Appeal} the provisions of section 76 from the dismissal or refusal of an application, appeal or proceeding by the chairman, vice-chairman or commissioner acting under subsection 1.

Practice
and
procedure
of Board

78. The Board shall determine its own practice and procedure in relation to applications, appeals and proceedings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Principle of
decision

79.—(1) Any decision of the Board shall be upon the real merits and justice of the case, and it is not bound to follow strict legal precedent but shall give full opportunity for a hearing.

Non-
application
of 1971, c. 47

(2) The proceeding and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of this Act and the regulations made thereunder shall prevail notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971*, or rules made under it.

Specific
powers of
Board re
hearings,
etc.

80. The Board has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents or things as the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to accept such oral or written evidence as in its discretion it considers proper whether admissible in a court of law or not;
- (c) to allow to an employee, dependant of a deceased employee or his witnesses travelling and living expenses and other allowances and such expenses and allowances shall be paid out of the accident fund as part of the administrative expenses of the Board;
- (d) to require any person or corporation to post and to keep posted upon their premises in a conspicuous place or places, where they are most likely to come to the attention of all persons concerned, any notices that the Board considers necessary to bring to the attention of such persons in connection with any matter or proceeding under this Act;

(e) to enter into any premises where work is being or has been done by an employee or in which the employer carries on business whether or not the premises are those of the employer and inspect and view any work, material, machinery, appliance or article therein and interrogate any person respecting any matter and post therein any notice;

(f) to authorize any person to do anything that the Board may do and to report to the Board thereon.

81.—(1) An order of the Board for the payment of compensation or medical aid by an employer who is ^{Enforcement of orders of Board} individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy, may be filed with the clerk of any county or district court and, when so filed, becomes an order of that court and may be enforced as a judgment of the court.

(2) For the duties performed by him in connection ^{Fees} with the filing of an order or certificate of the Board pursuant to this section or section 112, such clerk is entitled to a fee of \$1, and, notwithstanding any other provision or rule, any proceeding provided for by either of such sections may be carried on by the Board by post without the necessity of personal attendance at any office.

81a.—(1) No commissioner of the Board, or any other commissioner or an officer or employee of the Board, or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to give testimony in any civil suit or proceeding to which the Board is not a party respecting any information, material, statement or result of any examination, test or inquiry acquired, furnished, obtained, made or received in the performance of his duties under this Act. ^{Compellability in civil suit}

(2) Neither the Board, a commissioner thereof or any ^{Idem} other commissioner, an officer or employee of the Board or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to produce in a civil suit to which the Board is not a party a document, extract, report, material or statement acquired, furnished, obtained, made or received in the performance of his duties under this Act.

Liability
of Board,
etc.

(3) No action or other proceeding for damages lies against the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function for an act or omission done or committed to be done by it or him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of
Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Audit of
accounts

81*b*. The accounts of the Board shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose and the salary and remuneration of the auditor so appointed shall be paid by the Board as part of its administrative expenses.

Annual
report

81*c*.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister of Labour shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Report by
Board

(3) The Board shall after the close of each year file with the Superintendent of Insurance, in such detail as he may require, a report on the accident fund and the Superintendent of Insurance shall report thereon to the Minister of Labour.

Examination
by Super-
intendent of
Insurance

(4) The Superintendent of Insurance shall, whenever required by the Lieutenant Governor in Council or the Board, examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant Governor in Council or the Board.

SECTION 9. Compensation is extended to employees suffering industrial disease regardless of reduction of earning capacity. Authority to make agreements for compensation is extended to loss of hearing due to industrial noise.

81*d*. To assist in defraying the expenses incurred in the administration of this Part, there shall be paid to the Board out of the Consolidated Revenue Fund such annual sum not exceeding \$100,000 as the Lieutenant Governor in Council may direct. ^{Provincial grant}

9.—(1) Subsections 1 and 6 of section 118 of the said Act are repealed and the following substituted therefor: ^{s. 118 (1, 6), re-enacted}

(1) Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease. ^{Industrial diseases to be deemed accidents}

(6) The amount of the compensation shall be fixed with reference to the average earnings of the employee as calculated under the provisions of section 44, but for the purposes of this section, where an employee is no longer engaged in the trade, occupation, profession or calling to which the disease is due, the Board may determine his average earnings at an amount that it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling to which the disease is due during the twelve months prior to the commencement of disability, but not in any case exceeding the rate provided by subsection 1 of section 44. ^{Fixing of compensation}

(6*a*) Subsections 1 and 6 do not apply to an employee who has been awarded compensation for an industrial disease under section 42 prior to the 1st day of January, 1974, or entitle any employee to claim additional compensation for any period prior to that date, and shall apply only to benefits payable to an employee on and after that date. ^{Idem}

(6*b*) The notice provided for by section 20 shall be given to the employer who last employed the employee in the employment to the nature of which the disease was due and the notice may be given notwithstanding that the employee has voluntarily left the employment. ^{Notice}

s. 118 (9),
repealed

(2) Subsection 9 of the said section 118 is repealed.

s. 118,
amended

(3) The said section 118 is amended by adding thereto the following subsection:

Agreements
for sharing
costs of
industrial
noise claims

(11a) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of industrial noise induced hearing loss claims in proportion to the actual or estimated amount of exposure in Ontario to industrial noise which contributed to the hearing loss.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973 (No. 2)*.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 4th, 1973

2nd Reading

December 7th, 1973

3rd Reading

THE HON. F. GUINDON
Minister of Labour

*(Reprinted as amended by the
Committee of the Whole House)*

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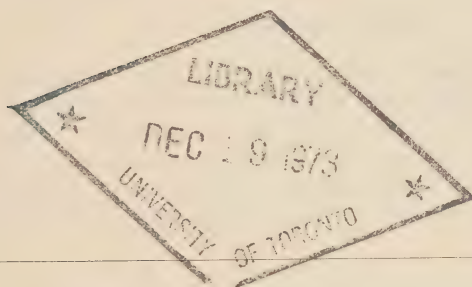
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BILL 269

Government
Publication
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**



THE HON. F. GUINDON
Minister of Labour

(Reprinted as amended by the Resources Development Committee)

TORONTO

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EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. “Dependent widower” is defined.

Subsection 2. Volunteer municipal ambulance brigades are added.

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by striking out "workman", "workman's", "workmen" and "workmen's" wherever such expressions occur and inserting in lieu thereof in each instance "employee", "employee's", "employees" and "employees'" as the case may be. ^{Act, amended}

- 2.—(1) Subsection 1 of section 1 of the said Act is amended by ^{s.1(1),} adding thereto the following clause:

(ga) "dependent widower" means the man who was the legal husband and a dependant of an employee immediately before her death.

- (2) Subsection 4 of the said section 1 is repealed and the ^{s.1(4),} following substituted therefor:

(4) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 3 shall be deemed ^{Volunteer fire or ambulance brigade} to be the employer of a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than a rate which will provide the minimum amount of compensation under section 43 or more than the maximum rate of annual earnings established by subsection 1 of section 44.

s. 11,
re-enacted

- 3.** Section 11 of the said Act is repealed and the following substituted therefor:

Where employer carried on payroll, he and dependants entitled to compensation

11. Where compensation is payable out of the accident fund and an employer carries himself on his payroll or an executive officer of a corporation is carried on the payroll of the corporation at a salary or wage that the Board considers reasonable, but at a rate not less than a rate which will provide the minimum amount of compensation provided by section 43 or more than the maximum rate of annual earnings established by section 44 and it is stated in the payroll statement furnished to the Board under section 93 that it is desired that such employer or executive officer be included as an employee, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be an employee within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

s. 26 (4),
re-enacted

- 4.** Subsection 4 of section 26 of the said Act is repealed and the following substituted therefor:

Advances on account of compensation

(4) In any case where compensation is payable and the Board is of the opinion that the interest or pressing need of the employee or dependant warrants it, the Board may advance or pay to or for the employee or dependant such lump sum as the circumstances warrant.

s. 36 (1) (c, d),
re-enacted

- 5.—(1)** Clauses *c* and *d* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, are repealed and the following substituted therefor:

(c) where the widow or a widower is the sole dependant, a monthly payment of \$250;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years.

s. 36 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 36 are repealed and the following substituted therefor:

Common-law wife or husband

(2) Where an employee has had for the entire period of six years immediately preceding his or her death a common-law

SECTION 3. The minimum personal coverage for an employer is increased to the minimum amount of compensation provided by section 43.

SECTION 4. The power to make advances is extended to employees of an employer under Schedule 2.

SECTIONS 5 AND 6. The benefits are extended to dependent widowers.

SECTION 7. Application of sections 5 and 6.

wife or husband or where an employee has had during the entire period of two years immediately preceding his or her death a common-law wife or husband by whom he or she has had one or more children and leaves no dependent widow or widower, the compensation to which a dependent widow or widower would have been entitled under this Part shall be paid to the dependent common-law wife or husband until such time as he or she marries.

(3) A dependent common-law wife or husband receiving ^{Idem} compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased employee.

(3) Subsections 6 and 7 of the said section 36 are repealed ^{s. 36 (6, 7), re-enacted} and the following substituted therefor:

(6) Where the employee leaves no widow or widower or ^{Payment of monthly allowance to foster-mother} the widow or widower subsequently dies, or where there is a mother of a dependent illegitimate child, and an aunt, sister, mother of an illegitimate child, or other suitable person acts as foster-mother in maintaining and taking care of the children entitled to compensation in a manner that the Board considers satisfactory, such foster-mother while so doing is entitled to receive the same monthly payments of compensation for herself and the children as if she were a widow or widower of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments that they would otherwise have been entitled to receive.

(7) In addition to any other compensation provided for, ^{Payment of lump sum} the widow or widower, or where the employee leaves no widow or widower, the foster-mother, as described in subsection 6, is entitled to a lump sum of \$500.

6. Section 37 of the said Act is repealed and the following sub- ^{s. 37, re-enacted} stituted therefor:

37.—(1) If a dependent widow or widower remarries or a ^{Remarriage of widow or widower} dependent common-law wife or husband remarries, the monthly payments shall cease, but such widow or widower or dependent common-law wife or husband is entitled in lieu of them to a lump sum equal to the monthly payments for two years, and the lump sum is payable within one month after the day of the remarriage.

(2) Subsection 1 does not apply to payments to a widow or ^{Exception} widower in respect of a child.

7. Sections 5 and 6 do not apply to a widower or a dependent ^{Non-application} common-law husband where death occurred before the 1st day of January, 1974.

ss. 54-81,
re-enacted

8. Sections 54 to 71, section 72 as amended by the Statutes of Ontario, 1973, chapter 46, section 5, and sections 73 to 81 of the said Act are repealed and the following substituted therefor:

WORKMEN'S COMPENSATION BOARD

Board
continued

54.—(1) The body corporate incorporated under the name "Workmen's Compensation Board" is continued.

(2) *The Corporations Act* does not apply to the Board.

R.S.O. 1970,
c. 89 not to
apply

Appointment
of commis-
sioners

55. The Lieutenant Governor in Council may, from time to time, appoint such persons as he may determine to be commissioners of the Board.

Designation
of chairman,
vice-chairmen,
respectively

56. The Lieutenant Governor in Council shall designate one of the commissioners to be chairman, one to be vice-chairman of administration, one to be vice-chairman of appeals, and not less than two and not more than four to be commissioners of appeals respectively, and such persons shall constitute the Board.

Interpre-
tation

57. In this Part, the term "commissioner" means the chairman, the vice-chairman of administration, the vice-chairman of appeals, the commissioners of appeals, and such commissioners as the Lieutenant Governor in Council has appointed, and "commissioners" has a corresponding meaning.

Remunera-
tion, etc., of
commis-
sioners

58. The remuneration, benefits and expenses of the commissioners shall be determined from time to time by the Lieutenant Governor in Council and such remuneration, benefits and expenses shall be part of the administrative expenses of the Board.

Filling of
vacancy

59. The Lieutenant Governor in Council may fill any vacancy that occurs among the commissioners.

Tenure of
office

60. The commissioners shall hold office for a term of not more than five years but any commissioner whose term is expiring or has expired is eligible for reappointment.

Removal of
commissioner
for cause

61. A commissioner may be removed from office before the expiration of his term for cause.

Chief
executive
officer

62.—(1) The chairman is the full-time chief executive officer of the Board.

Chief
administra-
tive officer

(2) The vice-chairman of administration is the full-time chief administrative officer of the Board and shall perform his duties under the general supervision of the chairman.

SECTION 8. Sections 54 to 81*d* deal with the appointment and organization of the Board. Commissioners are to be appointed by the Lieutenant Governor in Council who is to designate the chief officers. The sections separate the administrative and executive functions, and the appellate functions of the Board. The functions of the Board are set out in section 70.

Any three commissioners form a quorum for the purposes of hearing appeals or applications and panels of three commissioners can operate to hear appeals. Under certain circumstances, one commissioner may hear appeals or applications.

The Board may establish rules regulating procedures before it.

No commissioner or employee of the Board is to be called as a witness in a private suit.

Annual reports are to be filed with the Minister and the Superintendent of Insurance is to receive financial reports on the accident fund.

(3) The vice-chairman of appeals is the full-time chief ^{Chief} appeals officer of the Board and shall perform his duties ^{appeals officer} under the general supervision of the chairman.

(4) The other commissioners shall assist the vice-chairman ^{Idem} of appeals in the performance of his duties.

63.—(1) In the absence of the chairman from the Province, ^{Where vice-chairman of administration may act} his inability to act, or where the office of chairman is vacant, his duties shall be performed by the vice-chairman designated by the chairman, or where the chairman has failed to so designate, by a vice-chairman designated by the Minister of Labour.

(2) Wherever it appears that a vice-chairman acted for ^{Presumption where vice-chairman acts} and instead of the chairman, it shall be conclusively presumed that he has so acted in the absence, disability or vacancy in the office of the chairman.

64.—(1) A commissioner shall not directly or indirectly, ^{Disqualification of commissioner in certain cases}

(a) have, purchase, take or become interested in any industry to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;

(b) be the holder of shares, bonds, debentures or other securities of any company that carries on the business of employers' liability or accident insurance;

(c) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such ^{Idem} share, bond, debenture, security or thing comes to or becomes vested in a commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he ceases to hold office.

65.—(1) Where a commissioner resigns or his term expires, ^{Where commissioner resigns or term expires} he may carry out and complete any duties or responsibilities that he would have had if he had not resigned or his term had not expired in respect of any application, proceeding or matter in which he participated as a commissioner.

(2) Where a person is no longer a commissioner by ^{Powers of remaining commissioners where death occurs, etc.} reason of death, disqualification or removal from office for cause, the remaining commissioners that heard any application, proceeding or matter in which the person participated may carry out and complete the application, proceeding or matter

as if the person were still a commissioner and, where there is a difference of opinion, the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board and, where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as a commissioner of the Board is the action or decision of the Board.

Offices of
Board

66.—(1) The main offices of the Board shall be situate in The Municipality of Metropolitan Toronto.

Sittings

(2) Notwithstanding subsection 1, the Board, a panel of the Board or a commissioner may meet or hold sittings in any place in Ontario as is considered convenient.

Board
may act on
report of
officers

67.—(1) The Board may act upon the report of any of its officers.

Powers of
Board

(2) Any inquiry that the Board considers necessary to make may be made by any commissioner or officer of the Board or by some other person appointed by the Board to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

Power of
Board
to make
regulations

68.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make such regulations as may be considered expedient for carrying out the provisions of this Part.

Offence

(2) Every person who contravenes any such regulation or any rule of an association formed as provided by section 119 that has been approved and ratified as provided by that section is guilty of an offence and for every contravention is on summary conviction liable to a fine of not more than \$50, but no prosecution for any such contravention shall be taken without leave of the Board.

Power to
acquire real
property

69. Subject to the approval of the Lieutenant Governor in Council, the Board may purchase or otherwise acquire such real property as it may consider necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Meetings of
Board

70.—(1) Meetings of the Board shall be held at the call of the chairman but in no case shall more than two months elapse between meetings of the Board.

Quorum

(2) A majority of the commissioners of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

(3) The Board has power to,

Powers of
Board

- (a) establish the assessment policies of the Board;
- (b) review this Act and the regulations and recommend amendments or revisions thereof;
- (c) consider and approve annual operating and capital budgets;
- (d) review and approve investment policies of the Board;
- (e) review and approve major changes in programs of the Board;
- (f) enact by-laws and pass resolutions for the adoption of a seal and the conduct of its business and affairs;
- (g) establish, maintain and regulate advisory councils or committees, their functions and composition; and
- (h) establish, with the approval of the Lieutenant Governor in Council, a Joint Consultative Committee representative of labour, management and the public.

71.—(1) In accordance with personnel policies approved from time to time by the Board, the chairman, subject to the approval of the Lieutenant Governor in Council and subject to the provisions of *The Crown Employees Collective Bargaining Act, 1972*, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary ranges so approved.

Powers of
chairman

1972, c. 67

(2) When the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any services, such person shall be paid such sum for services and expenses as the chairman may determine.

Remuneration for
services
performed

72. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the chairman to be a true copy or extract under the seal of the Board shall be received in any court as evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records, etc.,
as evidence

Superannua-
tion Fund

73.—(1) The fund known as the Workmen's Compensation Board Superannuation Fund, for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is continued.

Regulations

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for contributions to the superannuation fund by the commissioners and employees of the Board;
- (b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the superannuation fund and the persons to whom the superannuation or other allowance may be paid;
- (c) providing for the terms and conditions upon which funds will be received and transferred under subsections 6, 7 and 8;
- (d) providing for the terms and conditions under which agreements may be entered into under subsection 8.

Employees
of accident
prevention
associations

(3) The employees of designated associations for accident prevention formed under subsection 1 of section 119 and the employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 119, shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation on the 10th day of April, 1952, shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation.

Idem

(4) The Board may designate associations and corporations for the purposes of subsection 3.

Cost of
administer-
ing fund

(5) The cost of maintaining and administering the superannuation fund shall be deemed part of the cost of the administration of this Act and is chargeable to the accident fund.

Transfer
from super-
annuation
fund to
like fund

(6) Where a commissioner or employee of the Board becomes a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act

of the Legislature of any province or of the Parliament of Canada, a sum of money equal to his contributions and credits in the superannuation fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the superannuation fund into any like fund maintained to provide superannuation benefits for the members of such public, civil or civic service or staff, as the case may be.

(7) Where a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature of any province or of the Parliament of Canada becomes a contributor to the superannuation fund and a sum of money is paid into the superannuation fund in respect of the period during which he made contributions as a public, civil or civic servant, or an employee of any board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the superannuation fund in respect of the sum and the period of service represented thereby as is determined.

(8) Notwithstanding subsection 1 and the regulations made under subsection 2, the Board, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned in subsection 6 or 7 to provide reciprocal arrangements for the transfer of contributions and credits and where such an agreement exists such transfer shall be in accordance with the agreement.

APPLICATIONS, APPEALS AND PROCEEDINGS

74.—(1) The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court.

(2) Without limiting the generality of subsection 1, such exclusive jurisdiction includes the power of determining,

- (a) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 1, and, if so, which of them;
- (b) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 2, and, if so, which of them;
- (c) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Part;
- (d) the existence of, and degree of, disability by reason of any injury;
- (e) the permanence of disability by reason of any injury;
- (f) the amount of average earnings;
- (g) the degree of diminution of earning capacity by reason of any injury;
- (h) the existence of the relationship of "member of the family";
- (i) the existence of dependency;
- (j) the question whether personal injury or death has been caused by accident;
- (k) the question whether an accident arose out of and in the course of an employment within the scope of this Act.

Power to
reconsider

75. The Board may, at any time if it considers it advisable to do so, reconsider any decision, order, declaration or ruling made by it and vary, amend or revoke such decision, order, declaration or ruling.

Quorum of
commis-
sioners, etc.

76.—(1) For the purposes of any application, appeal or proceeding before the Board, any three of the commissioners, save and except the vice-chairman of administration, constitute a quorum of the Board and are sufficient to exercise all the jurisdiction and powers of the Board except those contained in subsection 3 of section 70 in dealing with any application, appeal or proceeding.

(2) The Board may sit in two or more panels so long as a ^{Panels} quorum is present in each panel.

(3) The chairman or the vice-chairman of appeals may ^{Assignment of commis-} from time to time assign the commissioners to the panels ^{sioners} and may change any assignment at any time.

(4) The action or decision of the majority of the members ^{Action or decision} of a panel is the action or decision of the Board, and where there is no majority the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board, and where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as commissioner is the action or decision of the Board.

(5) The chairman or vice-chairman of appeals may appoint ^{Powers re} a commissioner or any other person to make and conduct an ^{conduct of} inquiry into any application, appeal or proceeding before the Board or a matter or thing arising therein and to report to the Board on a summary of the evidence his findings of fact and his opinion thereon and the Board or panel may act upon the summary or evidence, the findings of fact and his opinion or may substitute its own findings of fact or opinion therefor.

77.—(1) Notwithstanding section 76,

^{Delegation of powers}

- (a) the chairman or the vice-chairman of appeals; or
- (b) a commissioner except the vice-chairman of administration whenever authorized so to do by either the chairman or the vice-chairman of appeals,

may hear and determine any application, appeal or proceeding before the Board and for such purpose may exercise all the jurisdiction and powers of the Board in dealing with any such application, appeal or proceeding and the action or decision of the chairman, the vice-chairman of appeals, or the commissioner, as the case may be, is the action or decision of the Board.

(2) Where the chairman, vice-chairman, or commissioner ^{Referral to Board for action or decision} acting under subsection 1 considers it advisable so to do, he may refer or remit the application, appeal or proceeding to the Board for its action or decision.

(3) An appeal lies to the Board or a panel thereof under ^{Appeal} the provisions of section 76 from the dismissal or refusal of an application, appeal or proceeding by the chairman, vice-chairman or commissioner acting under subsection 1.

Practice
and
procedure
of Board

78. The Board shall determine its own practice and procedure in relation to applications, appeals and proceedings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Principle of
decision

79.—(1) Any decision of the Board shall be upon the real merits and justice of the case, and it is not bound to follow strict legal precedent but shall give full opportunity for a hearing.

Non-
application
of 1971, c. 47

(2) The proceeding and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of this Act and the regulations made thereunder shall prevail notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971*, or rules made under it.

Specific
powers of
Board re
hearings,
etc.

80. The Board has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents or things as the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to accept such oral or written evidence as in its discretion it considers proper whether admissible in a court of law or not;
- (c) to allow to an employee, dependant of a deceased employee or his witnesses travelling and living expenses and other allowances and such expenses and allowances shall be paid out of the accident fund as part of the administrative expenses of the Board;
- (d) to require any person or corporation to post and to keep posted upon their premises in a conspicuous place or places, where they are most likely to come to the attention of all persons concerned, any notices that the Board considers necessary to bring to the attention of such persons in connection with any matter or proceeding under this Act;

- (e) to enter into any premises where work is being or has been done by an employee or in which the employer carries on business whether or not the premises are those of the employer and inspect and view any work, material, machinery, appliance or article therein and interrogate any person respecting any matter and post therein any notice;
- (f) to authorize any person to do anything that the Board may do and to report to the Board thereon.

81.—(1) An order of the Board for the payment of compensation or medical aid by an employer who is ^{Enforcement of orders of Board} individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy, may be filed with the clerk of any county or district court and, when so filed, becomes an order of that court and may be enforced as a judgment of the court.

(2) For the duties performed by him in connection ^{Fees} with the filing of an order or certificate of the Board pursuant to this section or section 112, such clerk is entitled to a fee of \$1, and, notwithstanding any other provision or rule, any proceeding provided for by either of such sections may be carried on by the Board by post without the necessity of personal attendance at any office.

81a.—(1) No commissioner of the Board, or any other commissioner or an officer or employee of the Board, or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to give testimony in any civil suit or proceeding to which the Board is not a party ^{Compellability in civil suit} respecting any information, material, statement or result of any examination, test or inquiry acquired, furnished, obtained, made or received in the performance of his duties under this Act.

(2) Neither the Board, a commissioner thereof or any ^{Idem} other commissioner, an officer or employee of the Board or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to produce in a civil suit to which the Board is not a party a document, extract, report, material or statement acquired, furnished, obtained, made or received in the performance of his duties under this Act.

Liability
of Board,
etc.

(3) No action or other proceeding for damages lies against the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function for an act or omission done or committed to be done by it or him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of
Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Audit of
accounts

81*b*. The accounts of the Board shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose and the salary and remuneration of the auditor so appointed shall be paid by the Board as part of its administrative expenses.

Annual
report

81*c*.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister of Labour shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Report by
Board

(3) The Board shall after the close of each year file with the Superintendent of Insurance, in such detail as he may require, a report on the accident fund and the Superintendent of Insurance shall report thereon to the Minister of Labour.

Examination
by Super-
intendent of
Insurance

(4) The Superintendent of Insurance shall, whenever required by the Lieutenant Governor in Council or the Board, examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant Governor in Council or the Board.

SECTION 9. Compensation is extended to employees suffering industrial disease regardless of reduction of earning capacity. Authority to make agreements for compensation is extended to loss of hearing due to industrial noise.

81*d*. To assist in defraying the expenses incurred in the administration of this Part, there shall be paid to the Board out of the Consolidated Revenue Fund such annual sum not exceeding \$100,000 as the Lieutenant Governor in Council may direct. ^{Provincial grant}

9.—(1) Subsections 1 and 6 of section 118 of the said Act ^{s. 118 (1, 6), re-enacted} are repealed and the following substituted therefor:

(1) Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease. ^{Industrial diseases to be deemed accidents}

(6) The amount of the compensation shall be fixed with reference to the average earnings of the employee as calculated under the provisions of section 44, but for the purposes of this section, where an employee is no longer engaged in the trade, occupation, profession or calling to which the disease is due, the Board may determine his average earnings at an amount that it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling to which the disease is due during the twelve months prior to the commencement of disability, but not in any case exceeding the rate provided by subsection 1 of section 44. ^{Fixing of compensation}

(6*a*) Subsections 1 and 6 do not apply to an employee ^{Idem} who has been awarded compensation for an industrial disease under section 42 prior to the 1st day of January, 1974, or entitle any employee to claim additional compensation for any period prior to that date, and shall apply only to benefits payable to an employee on and after that date.

(6*b*) The notice provided for by section 20 shall be given to the employer who last employed the employee in the employment to the nature of which the disease was due and the notice may be given notwithstanding that the employee has voluntarily left the employment. ^{Notice}

s. 118 (9),
repealed

(2) Subsection 9 of the said section 118 is repealed.

s. 118,
amended

(3) The said section 118 is amended by adding thereto the following subsection:

Agreements
for sharing
costs of
industrial
noise claims

(11a) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of industrial noise induced hearing loss claims in proportion to the actual or estimated amount of exposure in Ontario to industrial noise which contributed to the hearing loss.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973 (No. 2)*.

BILL 269

An Act to amend
The Workmen's Compensation Act

1st Reading

December 4th, 1973

2nd Reading

December 7th, 1973

3rd Reading

THE HON. F. GUNDON
Minister of Labour

*(Reprinted as amended by the
Resources Development Committee)*

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BILL 269

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Workmen's Compensation Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

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BILL 269

1973

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is amended by striking out "workman", "workman's", "workmen" and "workmen's" wherever such expressions occur and inserting in lieu thereof in each instance "employee", "employee's", "employees" and "employees'" as the case may be. Act,
amended

- 2.—(1) Subsection 1 of section 1 of the said Act is amended by adding thereto the following clause: s. 1 (1),
amended

(ga) "dependent widower" means the man who was the legal husband and a dependant of an employee immediately before her death.

- (2) Subsection 4 of the said section 1 is repealed and the following substituted therefor: s. 1 (4),
re-enacted

(4) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 3 shall be deemed to be the employer of a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than a rate which will provide the minimum amount of compensation under section 43 or more than the maximum rate of annual earnings established by subsection 1 of section 44. Volunteer
fire or
ambulance
brigade

s. 11,
re-enacted

3. Section 11 of the said Act is repealed and the following substituted therefor:

Where
employer
carried on
payroll,
he and
dependants
entitled to
compensation

11. Where compensation is payable out of the accident fund and an employer carries himself on his payroll or an executive officer of a corporation is carried on the payroll of the corporation at a salary or wage that the Board considers reasonable, but at a rate not less than a rate which will provide the minimum amount of compensation provided by section 43 or more than the maximum rate of annual earnings established by section 44 and it is stated in the payroll statement furnished to the Board under section 93 that it is desired that such employer or executive officer be included as an employee, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be an employee within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

s. 26 (4),
re-enacted

4. Subsection 4 of section 26 of the said Act is repealed and the following substituted therefor:

Advances
on account
of compensation

(4) In any case where compensation is payable and the Board is of the opinion that the interest or pressing need of the employee or dependant warrants it, the Board may advance or pay to or for the employee or dependant such lump sum as the circumstances warrant.

s. 36 (1) (c, d),
re-enacted

- 5.—(1) Clauses *c* and *d* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, are repealed and the following substituted therefor:

(*c*) where the widow or a widower is the sole dependant, a monthly payment of \$250;

(*d*) where the dependants are a widow or a widower and one or more children, a monthly payment of \$250, with an additional monthly payment of \$70 to be increased upon the death of the widow or widower to \$80 for each child under the age of sixteen years.

s. 36 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 36 are repealed and the following substituted therefor:

Common-law
wife or
husband

(2) Where an employee has had for the entire period of six years immediately preceding his or her death a common-law

wife or husband or where an employee has had during the entire period of two years immediately preceding his or her death a common-law wife or husband by whom he or she has had one or more children and leaves no dependent widow or widower, the compensation to which a dependent widow or widower would have been entitled under this Part shall be paid to the dependent common-law wife or husband until such time as he or she marries.

(3) A dependent common-law wife or husband receiving ^{Idem} compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased employee.

(3) Subsections 6 and 7 of the said section 36 are repealed ^{s. 36 (6, 7), re-enacted} and the following substituted therefor:

(6) Where a child is entitled to compensation under this section and is being maintained and taken care of by a suitable person who is acting *in loco parentis* in a manner that the Board considers satisfactory, such person while so doing is entitled to receive the same monthly payments of compensation for himself or herself and the child as if he or she were a widow or widow of the deceased and in such case the child's part of such payments shall be in lieu of the monthly payments that he would otherwise be entitled to receive. ^{Payment of monthly allowance to person acting in loco parentis}

(7) In addition to any other compensation provided for the widow or widower, or where the employee leaves no widow or widower, the foster-mother, as described in subsection 6, is entitled to a lump sum of \$500. ^{Payment of lump sum}

6. Section 37 of the said Act is repealed and the following substituted therefor: ^{s. 37, re-enacted}

37.—(1) If a dependent widow or widower remarries or a dependent common-law wife or husband remarries, the monthly payments shall cease, but such widow or widower or dependent common-law wife or husband is entitled in lieu of them to a lump sum equal to the monthly payments for two years, and the lump sum is payable within one month after the day of the remarriage. ^{Remarriage of widow or widower}

(2) Subsection 1 does not apply to payments to a widow or widower in respect of a child. ^{Exception}

7. Sections 5 and 6 do not apply to a widower or a dependent common-law husband where death occurred before the 1st day of January, 1974. ^{Non-application}

ss. 54-81,
re-enacted

8. Sections 54 to 71, section 72 as amended by the Statutes of Ontario, 1973, chapter 46, section 5, and sections 73 to 81 of the said Act are repealed and the following substituted therefor:

WORKMEN'S COMPENSATION BOARD

Board
continued

54.—(1) The body corporate incorporated under the name Workmen's Compensation Board" is continued.

(2) *The Corporations Act* does not apply to the Board.

R.S.O. 1970,
c. 89 not to
apply

Appointment
of commis-
sioners

55. The Lieutenant Governor in Council may, from time to time, appoint such persons as he may determine to be commissioners of the Board.

Designation
of chairman,
vice-chairmen,
respectively

56. The Lieutenant Governor in Council shall designate one of the commissioners to be chairman, one to be vice-chairman of administration, one to be vice-chairman of appeals, and not less than two and not more than four to be commissioners of appeals respectively, and such persons shall constitute the Board.

Interpre-
tation

57. In this Part, the term "commissioner" means the chairman, the vice-chairman of administration, the vice-chairman of appeals, the commissioners of appeals, and such commissioners as the Lieutenant Governor in Council has appointed, and "commissioners" has a corresponding meaning.

Remunera-
tion, etc., of
commis-
sioners

58. The remuneration, benefits and expenses of the commissioners shall be determined from time to time by the Lieutenant Governor in Council and such remuneration, benefits and expenses shall be part of the administrative expenses of the Board.

Filling of
vacancy

59. The Lieutenant Governor in Council may fill any vacancy that occurs among the commissioners.

Tenure of
office

60. The commissioners shall hold office for a term of not more than five years but any commissioner whose term is expiring or has expired is eligible for reappointment.

Removal of
commissioner
for cause

61. A commissioner may be removed from office before the expiration of his term for cause.

Chief
executive
officer

62.—(1) The chairman is the full-time chief executive officer of the Board.

Chief
administra-
tive officer

(2) The vice-chairman of administration is the full-time chief administrative officer of the Board and shall perform his duties under the general supervision of the chairman.

(3) The vice-chairman of appeals is the full-time chief ^{Chief appeals officer} appeals officer of the Board and shall perform his duties under the general supervision of the chairman.

(4) The other commissioners shall assist the vice-chairman ^{Idem} of appeals in the performance of his duties.

63.—(1) In the absence of the chairman from the Province, ^{Where vice-chairman of administration may act} his inability to act, or where the office of chairman is vacant, his duties shall be performed by the vice-chairman designated by the chairman, or where the chairman has failed to so designate, by a vice-chairman designated by the Minister of Labour.

(2) Wherever it appears that a vice-chairman acted for ^{Presumption where vice-chairman acts} and instead of the chairman, it shall be conclusively presumed that he has so acted in the absence, disability or vacancy in the office of the chairman.

64.—(1) A commissioner shall not directly or indirectly, ^{Disqualification of commissioner in certain cases}

- (a) have, purchase, take or become interested in any industry to which this Part applies or any bond, debenture or other security of the person owning or carrying it on;
- (b) be the holder of shares, bonds, debentures or other securities of any company that carries on the business of employers' liability or accident insurance;
- (c) have any interest in any device, machine, appliance, patented process or article that may be required or used for the prevention of accidents.

(2) If any such industry, or interest therein, or any such ^{Idem} share, bond, debenture, security or thing comes to or becomes vested in a commissioner by will or by operation of law and he does not within three months thereafter sell and absolutely dispose of it, he ceases to hold office.

65.—(1) Where a commissioner resigns or his term expires, ^{Where commissioner resigns or term expires} he may carry out and complete any duties or responsibilities that he would have had if he had not resigned or his term had not expired in respect of any application, proceeding or matter in which he participated as a commissioner.

(2) Where a person is no longer a commissioner by ^{Powers of remaining commissioners where death occurs, etc.} reason of death, disqualification or removal from office for cause, the remaining commissioners that heard any application, proceeding or matter in which the person participated may carry out and complete the application, proceeding or matter

as if the person were still a commissioner and, where there is a difference of opinion, the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board and, where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as a commissioner of the Board is the action or decision of the Board.

Offices of
Board

66.—(1) The main offices of the Board shall be situate in The Municipality of Metropolitan Toronto.

Sittings

(2) Notwithstanding subsection 1, the Board, a panel of the Board or a commissioner may meet or hold sittings in any place in Ontario as is considered convenient.

Board
may act on
report of
officers

67.—(1) The Board may act upon the report of any of its officers.

Powers of
Board

(2) Any inquiry that the Board considers necessary to make may be made by any commissioner or officer of the Board or by some other person appointed by the Board to make the inquiry, and the Board may act upon his report as to the result of the inquiry.

Power of
Board
to make
regulations

68.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make such regulations as may be considered expedient for carrying out the provisions of this Part.

Offence

(2) Every person who contravenes any such regulation or any rule of an association formed as provided by section 119 that has been approved and ratified as provided by that section is guilty of an offence and for every contravention is on summary conviction liable to a fine of not more than \$50, but no prosecution for any such contravention shall be taken without leave of the Board.

Power to
acquire real
property

69. Subject to the approval of the Lieutenant Governor in Council, the Board may purchase or otherwise acquire such real property as it may consider necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Meetings of
Board

70.—(1) Meetings of the Board shall be held at the call of the chairman but in no case shall more than two months elapse between meetings of the Board.

Quorum

(2) A majority of the commissioners of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

(3) The Board has power to,

Powers of
Board

- (a) establish the assessment policies of the Board;
- (b) review this Act and the regulations and recommend amendments or revisions thereof;
- (c) consider and approve annual operating and capital budgets;
- (d) review and approve investment policies of the Board;
- (e) review and approve major changes in programs of the Board;
- (f) enact by-laws and pass resolutions for the adoption of a seal and the conduct of its business and affairs;
- (g) establish, maintain and regulate advisory councils or committees, their functions and composition; and
- (h) establish, with the approval of the Lieutenant Governor in Council, a Joint Consultative Committee representative of labour, management and the public.

71.—(1) In accordance with personnel policies approved from time to time by the Board, the chairman, subject to the approval of the Lieutenant Governor in Council and subject to the provisions of *The Crown Employees Collective Bargaining Act, 1972*, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary ranges so approved.

Powers of
chairman

1972, c. 67

(2) When the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any services, such person shall be paid such sum for services and expenses as the chairman may determine.

Remuneration for
services performed

72. Every copy of or extract from an entry in any book or record of the Board or of or from any document filed with the Board, certified by the secretary of the Board or by such other officer of the Board as may be appointed for that purpose by the chairman to be a true copy or extract under the seal of the Board shall be received in any court as evidence of the matter so certified without proof of the secretary's or other officer's appointment, authority or signature.

Certified
copies of
records, etc.,
as evidence

Superannua-
tion Fund

73.—(1) The fund known as the Workmen's Compensation Board Superannuation Fund, for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is continued.

Regulations

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for contributions to the superannuation fund by the commissioners and employees of the Board;
- (b) providing for the terms and conditions upon which any superannuation or other allowance shall be payable out of the superannuation fund and the persons to whom the superannuation or other allowance may be paid;
- (c) providing for the terms and conditions upon which funds will be received and transferred under subsections 6, 7 and 8;
- (d) providing for the terms and conditions under which agreements may be entered into under subsection 8.

Employees
of accident
prevention
associations

(3) The employees of designated associations for accident prevention formed under subsection 1 of section 119 and the employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 119, shall for the purposes of this section be deemed to be employees of the Board, and every employee in the service of any such association or corporation on the 10th day of April, 1952, shall, for the purposes of this section, be deemed to have entered the service of the Board on the date he last entered the service of his association or corporation.

Idem

(4) The Board may designate associations and corporations for the purposes of subsection 3.

Cost of
administer-
ing fund

(5) The cost of maintaining and administering the superannuation fund shall be deemed part of the cost of the administration of this Act and is chargeable to the accident fund.

Transfer
from super-
annuation
fund to
like fund

(6) Where a commissioner or employee of the Board becomes a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act

of the Legislature of any province or of the Parliament of Canada, a sum of money equal to his contributions and credits in the superannuation fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the superannuation fund into any like fund maintained to provide superannuation benefits for the members of such public, civil or civic service or staff, as the case may be.

(7) Where a member of the public service of Canada or the civil service of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature of any province or of the Parliament of Canada becomes a contributor to the superannuation fund and a sum of money is paid into the superannuation fund in respect of the period during which he made contributions as a public, civil or civic servant, or an employee of any board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the superannuation fund in respect of the sum and the period of service represented thereby as is determined.

Transfer
to super-
annuation
fund

(8) Notwithstanding subsection 1 and the regulations made under subsection 2, the Board, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned in subsection 6 or 7 to provide reciprocal arrangements for the transfer of contributions and credits and where such an agreement exists such transfer shall be in accordance with the agreement.

Agreements
authorized

APPLICATIONS, APPEALS AND PROCEEDINGS

74.—(1) The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court.

General
jurisdiction
of Board

(2) Without limiting the generality of subsection 1, such exclusive jurisdiction includes the power of determining,

Specific
jurisdiction
of Board

- (a) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 1, and, if so, which of them;
- (b) whether any industry or any part, branch or department of any industry falls within any of the classes for the time being included in Schedule 2, and, if so, which of them;
- (c) whether any part of any such industry constitutes a part, branch or department of an industry within the meaning of this Part;
- (d) the existence of, and degree of, disability by reason of any injury;
- (e) the permanence of disability by reason of any injury;
- (f) the amount of average earnings;
- (g) the degree of diminution of earning capacity by reason of any injury;
- (h) the existence of the relationship of "member of the family";
- (i) the existence of dependency;
- (j) the question whether personal injury or death has been caused by accident;
- (k) the question whether an accident arose out of and in the course of an employment within the scope of this Act.

Power to
reconsider

75. The Board may, at any time if it considers it advisable to do so, reconsider any decision, order, declaration or ruling made by it and vary, amend or revoke such decision, order, declaration or ruling.

Quorum of
commis-
sioners, etc.

76.—(1) For the purposes of any application, appeal or proceeding before the Board, any three of the commissioners, save and except the vice-chairman of administration, constitute a quorum of the Board and are sufficient to exercise all the jurisdiction and powers of the Board except those contained in subsection 3 of section 70 in dealing with any application, appeal or proceeding.

(2) The Board may sit in two or more panels so long as a ^{Panels} quorum is present in each panel.

(3) The chairman or the vice-chairman of appeals may ^{Assignment of commis-} from time to time assign the commissioners to the panels ^{sioners} and may change any assignment at any time.

(4) The action or decision of the majority of the members ^{Action or decision} of a panel is the action or decision of the Board, and where there is no majority the action or decision of the chairman or the vice-chairman of appeals sitting is the action or decision of the Board, and where the chairman or vice-chairman of appeals does not sit, the action or decision of the commissioner sitting and having the longest service as commissioner is the action or decision of the Board.

(5) The chairman or vice-chairman of appeals may appoint ^{Powers re} a commissioner or any other person to make and conduct an ^{conduct of} inquiry into any application, appeal or proceeding before the Board or a matter or thing arising therein and to report to the Board on a summary of the evidence his findings of fact and his opinion thereon and the Board or panel may act upon the summary or evidence, the findings of fact and his opinion or may substitute its own findings of fact or opinion therefor.

77.—(1) Notwithstanding section 76,

^{Delegation of powers}

(a) the chairman or the vice-chairman of appeals; or

(b) a commissioner except the vice-chairman of administration whenever authorized so to do by either the chairman or the vice-chairman of appeals,

may hear and determine any application, appeal or proceeding before the Board and for such purpose may exercise all the jurisdiction and powers of the Board in dealing with any such application, appeal or proceeding and the action or decision of the chairman, the vice-chairman of appeals, or the commissioner, as the case may be, is the action or decision of the Board.

(2) Where the chairman, vice-chairman, or commissioner ^{Referral to Board for action or decision} acting under subsection 1 considers it advisable so to do, he may refer or remit the application, appeal or proceeding to the Board for its action or decision.

(3) An appeal lies to the Board or a panel thereof under ^{Appeal} the provisions of section 76 from the dismissal or refusal of an application, appeal or proceeding by the chairman, vice-chairman or commissioner acting under subsection 1.

Practice
and
procedure
of Board

78. The Board shall determine its own practice and procedure in relation to applications, appeals and proceedings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Principle of
decision

79.—(1) Any decision of the Board shall be upon the real merits and justice of the case, and it is not bound to follow strict legal precedent but shall give full opportunity for a hearing.

Non-
application
of 1971, c. 47

(2) The proceeding and decisions of the Board shall not be subject to or affected in any way by *The Statutory Powers Procedure Act, 1971*, or by any rules made under it, and the provisions of this Act and the regulations made thereunder shall prevail notwithstanding anything contained in the said *Statutory Powers Procedure Act, 1971*, or rules made under it.

Specific
powers of
Board re
hearings,
etc.

80. The Board has power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce such documents or things as the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record in civil cases;
- (b) to accept such oral or written evidence as in its discretion it considers proper whether admissible in a court of law or not;
- (c) to allow to an employee, dependant of a deceased employee or his witnesses travelling and living expenses and other allowances and such expenses and allowances shall be paid out of the accident fund as part of the administrative expenses of the Board;
- (d) to require any person or corporation to post and to keep posted upon their premises in a conspicuous place or places, where they are most likely to come to the attention of all persons concerned, any notices that the Board considers necessary to bring to the attention of such persons in connection with any matter or proceeding under this Act;

- (e) to enter into any premises where work is being or has been done by an employee or in which the employer carries on business whether or not the premises are those of the employer and inspect and view any work, material, machinery, appliance or article therein and interrogate any person respecting any matter and post therein any notice;
- (f) to authorize any person to do anything that the Board may do and to report to the Board thereon.

81.—(1) An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy, may be filed with the clerk of any county or district court and, when so filed, becomes an order of that court and may be enforced as a judgment of the court.

(2) For the duties performed by him in connection with the filing of an order or certificate of the Board pursuant to this section or section 112, such clerk is entitled to a fee of \$1, and, notwithstanding any other provision or rule, any proceeding provided for by either of such sections may be carried on by the Board by post without the necessity of personal attendance at any office.

81a.—(1) No commissioner of the Board, or any other commissioner or an officer or employee of the Board, or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to give testimony in any civil suit or proceeding to which the Board is not a party respecting any information, material, statement or result of any examination, test or inquiry acquired, furnished, obtained, made or received in the performance of his duties under this Act.

(2) Neither the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person who is engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function, shall be required to produce in a civil suit to which the Board is not a party a document, extract, report, material or statement acquired, furnished, obtained, made or received in the performance of his duties under this Act.

Liability
of Board,
etc.

(3) No action or other proceeding for damages lies against the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function for an act or omission done or committed to be done by it or him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of
Crown
R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Board, a commissioner thereof or any other commissioner, an officer or employee of the Board or a person engaged by the Board to conduct an examination, test or inquiry or authorized to perform any function to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Audit of
accounts

81*b*. The accounts of the Board shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose and the salary and remuneration of the auditor so appointed shall be paid by the Board as part of its administrative expenses.

Annual
report

81*c*.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister of Labour shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Report by
Board

(3) The Board shall after the close of each year file with the Superintendent of Insurance, in such detail as he may require, a report on the accident fund and the Superintendent of Insurance shall report thereon to the Minister of Labour.

Examination
by Super-
intendent of
Insurance

(4) The Superintendent of Insurance shall, whenever required by the Lieutenant Governor in Council or the Board, examine into the affairs and business of the Board for the purpose of determining as to the sufficiency of the accident fund and shall report thereon to the Lieutenant Governor in Council or the Board.

81d. To assist in defraying the expenses incurred in the administration of this Part, there shall be paid to the Board out of the Consolidated Revenue Fund such annual sum not exceeding \$100,000 as the Lieutenant Governor in Council may direct. ^{Provincial grant}

9.—(1) Subsections 1 and 6 of section 118 of the said Act ^{s. 118 (1, 6), re-enacted} are repealed and the following substituted therefor:

(1) Where an employee suffers from an industrial disease and is thereby disabled or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the employee is or his dependants are entitled to compensation as if the disease was a personal injury by accident and the disablement was the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he has wilfully and falsely represented himself in writing as not having previously suffered from the disease. ^{Industrial diseases to be deemed accidents}

(6) The amount of the compensation shall be fixed with reference to the average earnings of the employee as calculated under the provisions of section 44, but for the purposes of this section, where an employee is no longer engaged in the trade, occupation, profession or calling to which the disease is due, the Board may determine his average earnings at an amount that it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling to which the disease is due during the twelve months prior to the commencement of disability, but not in any case exceeding the rate provided by subsection 1 of section 44. ^{Fixing of compensation}

(6a) Subsections 1 and 6 do not apply to an employee who has been awarded compensation for an industrial disease under section 42 prior to the 1st day of January, 1974, or entitle any employee to claim additional compensation for any period prior to that date, and shall apply only to benefits payable to an employee on and after that date. ^{Idem}

(6b) The notice provided for by section 20 shall be given to the employer who last employed the employee in the employment to the nature of which the disease was due and the notice may be given notwithstanding that the employee has voluntarily left the employment. ^{Notice}

s. 118 (9),
repealed

(2) Subsection 9 of the said section 118 is repealed.

s. 118,
amended

(3) The said section 118 is amended by adding thereto the following subsection:

Agreements
for sharing
costs of
industrial
noise claims

(11a) Notwithstanding any other provision in this Act, the Board may enter into an agreement with the appropriate authority in any other province or territory of Canada to provide for the sharing of costs of industrial noise induced hearing loss claims in proportion to the actual or estimated amount of exposure in Ontario to industrial noise which contributed to the hearing loss.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1973 (No. 2)*.

An Act to amend
The Workmen's Compensation Act

1st Reading

December 4th, 1973

2nd Reading

December 7th, 1973

3rd Reading

December 13th, 1973

THE HON. F. GUINDON
Minister of Labour

CAZON

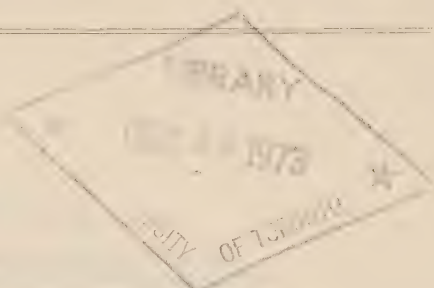
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-B 56

BILL 270

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Game and Fish Act

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The power to make regulations respecting fish huts is repealed and has been incorporated in *The Environmental Protection Act, 1971*.

BILL 270

1973

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 4 of section 92 of *The Game and Fish Act*, being ^{s. 92, par. 4,} chapter 186 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.^{ment}
3. This Act may be cited as *The Game and Fish Amendment* ^{Short title} *Act, 1973 (No. 2)*.

An Act to amend
The Game and Fish Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

CA20N
XB

BILL 270

Government
Publications

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Game and Fish Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 270

1973

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 4 of section 92 of *The Game and Fish Act*, being ^{s. 92, par. 4,} chapter 186 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation.^{ment}
3. This Act may be cited as *The Game and Fish Amendment* ^{Short title} *Act, 1973 (No. 2)*.

An Act to amend
The Game and Fish Act

1st Reading

December 4th, 1973

2nd Reading

December 6th, 1973

3rd Reading

December 12th, 1973

THE HON. L. BERNIER
Minister of Natural Resources

CA20N
XB
-B 56

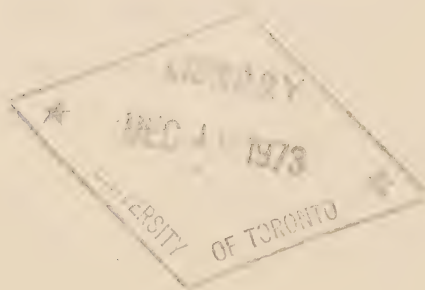
BILL 271

Government
Publications
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Landlord and Tenant Act

MR. LAUGHREN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to bring mobile homes within the scope of the Act.

BILL 271

1973

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *b* and *e* of section 1 of *The Landlord and Tenant Act*, <sup>s.1 (b, e),
re-enacted</sup> being chapter 236 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
 - (b) "landlord" includes lessor, owner, the person giving or permitting the occupation of the premises in question, owner of a mobile home trailer park and his and their heirs and assigns and legal representatives, and in Parts II and III also includes the person entitled to possession of the premises;
 -
 - (e) "tenant" includes lessee, occupant, sub-tenant, under-tenant, owner of a mobile home renting space in a mobile home trailer park and his and their assigns and legal representatives.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Landlord and Tenant Amendment Act, 1973*. ^{Short title}

An Act to amend
The Landlord and Tenant Act

1st Reading

December 4th, 1973

2nd Reading

3rd Reading

MR. LAUGHREN

(Private Member's Bill)

CA20N

XB

-B 56

BILL 272

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The powers in the sections mentioned will now be exercised by the Minister of Housing rather than the Treasurer.

SECTION 2. The provisions are re-enacted to remove the 0.7 per cent reduction in pension in the situation where a pension is payable under a plan prior to the commencement of a pension under the Canada Pension Plan. A further amendment removes the application of subsection 4 to pensions in respect of employees with less than ten years of service.



An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, is amended by adding at the end thereof "except that in sections 443 and 461 "Minister" means the Minister of Housing". s. 1, par. 13a,
amended

- 2.—(1) Clause *d* of subsection 1 of section 250 of the said Act s. 250 (1) (d),
re-enacted is repealed and the following substituted therefor:

(*d*) "service" means employment of an employee by a municipality or local board.

- (2) Subsection 4 of the said section 250 is repealed and s. 250 (4),
re-enacted the following substituted therefor:

(4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service with the municipality or local board up to thirty-five years and reduced in any year in which he is entitled to a pension under the Canada Pension Plan by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of his service after the 1st day of January, 1966 up to thirty-five years, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965, and does not apply where the employee retires having less than ten years of service. Maximum
pension
benefit
R.S.O. 1970,
c. 324

s. 285 (3),
amended

3. Subsection 3 of section 285 of the said Act is amended by striking out "sections 178 to 180" in the second line and inserting in lieu thereof "section 101 of *The Municipal Elections Act, 1972*".

s. 303,
amended

4. Section 303 of the said Act is amended by adding thereto the following subsection:

Certification
by clerk of
assessment
roll as last
returned
R.S.O. 1970,
c. 32

(2a) Where the regional registrar of the Assessment Review Court has not certified by the 31st day of December in any year in accordance with subsection 3 of section 88 of *The Assessment Act* the last revised assessment roll of any local municipality for taxation in the following year, the clerk of the municipality may, before the 1st day of February in such following year, certify that the assessment roll last returned to him as altered, amended and corrected by him pursuant to section 86 of *The Assessment Act* is the last revised assessment roll for the purpose of any levy made under this section in such year and when the clerk so certifies, the assessment roll last returned to him, as altered, amended and corrected by him, shall be deemed to be the last revised assessment roll for the purpose of any levy made under this section in such year.

s. 354 (1),
par. 24,
re-enacted

5. Paragraph 24 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:

Fences
around
private
outdoor
swimming
pools

24. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to the provisions of any by-law of the municipality.

s. 453,
par. 3,
amended

6. Paragraph 3 of section 453 of the said Act is amended by inserting after "completed" in the twenty-first line "and for permitting the owners or lessees of land to install, maintain and use stationary or mobile cranes or elevator type hoists within the highways" and by striking out "or heating device" in the thirty-first line and inserting in lieu thereof "heating device or crane or hoist".

SECTION 3. The change in reference is required as a result of the repeal of sections 178 to 180 and the enactment of *The Municipal Elections Act, 1972*.

SECTION 4. The added subsection authorizes the interim levying of taxes based on the assessment roll as last returned to the municipal clerk and altered, amended and corrected by him in the situation where the regional registrar of the Assessment Review Court has not certified the last revised assessment roll by December 31st.

SECTION 5. The authority of local municipalities with respect to privately-owned outdoor swimming pools is extended to enable them to prohibit the excavation or erection of such pools unless a permit has been obtained for the prescribed fences and gates to enclose the pool and also to prohibit the placing of water in the pools until the prescribed fences and gates have been erected.

SECTION 6. The authority of municipalities to pass by-laws with respect to the use of the highways by owners or lessees of abutting land is extended to include use by cranes and elevator type hoists.

SECTION 7. All municipalities are authorized to pass by-laws to provide reserved lanes for public transit motor vehicles.

SECTION 8. The change in reference is required as a result of the re-enactment of section 36 of the Act.

SECTION 9. The amendments authorize councils to delegate to the Assessment Review Court the authority to deal with applications for the cancellation, reduction or refund of taxes. In addition, subsection 19 provides a method for giving the assessment commissioner notice of decisions on applications as referred to above in order that he may keep his records up to date.

7. Section 460 of the said Act is amended by adding thereto the ^{s. 460, amended} following paragraph:

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles and for prohibiting and regulating the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this paragraph "public transit motor vehicle" means a motor vehicle owned and operated by, for, or on behalf of, the municipality as part of a passenger transportation service. ^{Establishment of bus lanes}

8. Subsection 10 of section 502 of the said Act is amended by ^{s. 502 (10), amended} striking out "clause e" in the third line and inserting in lieu thereof "paragraph 1".

- 9.—(1) Section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended ^{s. 636a, amended} by adding thereto the following subsections:

(1a) The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Court shall exercise the functions of the council under subsections 6, 7 and 16 and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed. ^{By-law to provide for exercise by Assessment Review Court of functions of council}

(1b) The clerk of the municipality shall forthwith forward certified copies of any by-law passed under subsection 1a and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner. ^{Certified copies of by-law to regional registrar and assessment commissioner}

- (2) Subsection 2 of the said section 636a is repealed and ^{s. 636a (2), re-enacted} the following substituted therefor:

(2) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall, if the municipality has passed a by-law under subsection 1a, forthwith forward such notice to the regional registrar of the Assessment Review Court and the regional registrar shall in turn forthwith forward a copy of such notice to the assessment commissioner. ^{Time for making application}

s. 636a (6),
amended

- (3) Subsection 6 of the said section 636a is amended by inserting at the commencement thereof "Where the council has not passed a by-law under subsection 1a".

s. 636a (7),
amended

- (4) Subsection 7 of the said section 636a is amended by inserting at the commencement thereof "Subject to subsection 7a".

s. 636a,
amended

- (5) The said section 636a is further amended by adding thereto the following subsection:

Idem

(7a) Where the council has passed a by-law under subsection 1a, the Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made.

s. 636a (11),
amended

- (6) Subsection 11 of the said section 636a is amended by inserting after "to" in the second line "hearings or".

s. 636a (13),
re-enacted

- (7) Subsection 13 of the said section 636a is repealed and the following substituted therefor:

Appeal
to county
judge

(13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application or appeal under this section and such appeal shall be a hearing *de novo* and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply.

R.S.O. 1970,
c. 32

s. 636a (16),
amended

- (8) Subsection 16 of the said section 636a is amended by inserting after "council" in the fourth line "or the Assessment Review Court, as the case may be".

s. 636a,
amended

- (9) The said section 636a is further amended by adding thereto the following subsection:

Notice of
decision to
assessment
commis-
sioner

(19) A copy of each notice of decision referred to in subsections 7 and 12 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 7 and 12, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

SECTION 10. The amendments authorize councils to delegate to the Assessment Review Court the authority to deal with recommendations made by the municipal treasurer for the increase of taxes where a taxpayer has by error been undercharged. In addition, subsection 7 provides a method for giving the assessment commissioner notice of decisions on recommendations as referred to above in order that he may keep his records up to date.

- 10.—(1) Section 636*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended ^{s. 636*b*, amended} by adding thereto the following subsections:

(1*a*) Where the council has passed a by-law under sub-section 1*a* of section 636*a*, the council may by the same by-law or by a subsequent by-law provide that the Assessment Review Court shall exercise the functions of the council under subsection 3 and where a subsequent by-law is passed, the clerk of the municipality shall forthwith forward a certified copy thereof and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner. ^{By-law to provide for exercise by Assessment Review Court of functions of council}

(1*b*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, the clerk of the municipality shall forthwith forward to the registrar of the Assessment Review Court, as they are received by him from time to time, all notices filed under subsection 1*a* and the regional registrar shall in turn forthwith forward a copy of such notices to the assessment commissioner and the provisions of subsections 2, 3, 4, 5 and 6 shall not apply to the recommendations to which such notices relate. ^{Notices to be forwarded to regional registrar and to assessment commissioner}

.

(7*a*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, notice of the date upon which the recommendation is to be dealt with by the Assessment Review Court shall be given by the regional registrar of the Court to the clerk of the municipality and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the Court. ^{Notice of date when recommendation to be dealt with}

- (2) Subsection 8 of the said section 636*b* is amended by ^{s. 636*b* (8), amended} inserting after "appeals" in the second line "and recommendations".
- (3) Subsection 9 of the said section 636*b* is amended by ^{s. 636*b* (9), amended} inserting after "7" in the fourth line "or 7*a*, as the case may be".
- (4) Subsection 10 of the said section 636*b* is amended by ^{s. 636*b* (10), amended} inserting after "Court" in the fourth line "or if the Assessment Review Court deals with the recommendation in the first instance".

s. 636b (11),
amended

- (5) Subsection 11 of the said section 636b is amended by adding at the end thereof "and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply".

s. 636b (14),
amended

- (6) Subsection 14 of the said section 636b is amended by striking out "The council shall not" in the first line and inserting in lieu thereof "Neither the council nor the Assessment Review Court shall".

s. 636b,
amended

- (7) The said section 636b is further amended by adding thereto the following subsection:

Notice of
decision to
assessment
commis-
sioner

- (15) A copy of each notice of decision referred to in subsections 4 and 9 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 4 and 9, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

Commence-
ment

- 11.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 12.** This Act may be cited as *The Municipal Amendment Act, 1973 (No. 2)*.

An Act to amend The Municipal Act

1st Reading

December 5th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

Feb 10 1974
CA20N

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-B 56

BILL 272

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, is amended by adding at the end thereof "except that in sections 443 and 461 "Minister" means the Minister of Housing". s. 1, par. 13a.
amended

- 2.—(1) Clause *d* of subsection 1 of section 250 of the said Act is repealed and the following substituted therefor: s. 250 (1) (d),
re-enacted

(*d*) "service" means employment of an employee by a municipality or local board.

- (2) Subsection 4 of the said section 250 is repealed and the following substituted therefor: s. 250 (4),
re-enacted

(4) Notwithstanding any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under *The Ontario Municipal Employees Retirement System Act* that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service with the municipality or local board up to thirty-five years and reduced in any year in which he is entitled to a pension under the Canada Pension Plan by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board multiplied by the number of years of his service after the 1st day of January, 1966 up to thirty-five years, but this subsection does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965, and does not apply where the employee retires having less than ten years of service. Maximum
pension
benefit
R.S.O. 1970,
c. 324

s. 285 (3),
amended

3. Subsection 3 of section 285 of the said Act is amended by striking out "sections 178 to 180" in the second line and inserting in lieu thereof "section 101 of *The Municipal Elections Act, 1972*".

s. 303,
amended

4. Section 303 of the said Act is amended by adding thereto the following subsection:

Certification
by clerk of
assessment
roll as last
returned
R.S.O. 1970,
c. 32

(2a) Where the regional registrar of the Assessment Review Court has not certified by the 31st day of December in any year in accordance with subsection 3 of section 88 of *The Assessment Act* the last revised assessment roll of any local municipality for taxation in the following year, the clerk of the municipality may, before the 1st day of February in such following year, certify that the assessment roll last returned to him as altered, amended and corrected by him pursuant to section 86 of *The Assessment Act* is the last revised assessment roll for the purpose of any levy made under this section in such year and when the clerk so certifies, the assessment roll last returned to him, as altered, amended and corrected by him, shall be deemed to be the last revised assessment roll for the purpose of any levy made under this section in such year.

s. 354 (1),
par. 24,
re-enacted

5. Paragraph 24 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:

Fences
around
private
outdoor
swimming
pools

24. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to the provisions of any by-law of the municipality.

s. 453,
par. 3,
amended

6. Paragraph 3 of section 453 of the said Act is amended by inserting after "completed" in the twenty-first line "and for permitting the owners or lessees of land to install, maintain and use stationary or mobile cranes or elevator type hoists within the highways" and by striking out "or heating device" in the thirty-first line and inserting in lieu thereof "heating device or crane or hoist".

7. Section 460 of the said Act is amended by adding thereto the following paragraph: s. 460,
amended

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles and for prohibiting and regulating the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this paragraph "public transit motor vehicle" means a motor vehicle owned and operated by, for, or on behalf of, the municipality as part of a passenger transportation service. Establishment of
bus lanes

8. Subsection 10 of section 502 of the said Act is amended by striking out "clause e" in the third line and inserting in lieu thereof "paragraph 1". s. 502 (10),
amended

9.—(1) Section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following subsections: s. 636a,
amended

(1a) The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Court shall exercise the functions of the council under subsections 6, 7 and 16 and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed. By-law to
provide for
exercise by
Assessment
Review Court
of functions
of council

(1b) The clerk of the municipality shall forthwith forward certified copies of any by-law passed under subsection 1a and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner. Certified
copies of
by-law to
regional
registrar and
assessment
commissioner

(2) Subsection 2 of the said section 636a is repealed and the following substituted therefor: s. 636a (2),
re-enacted

(2) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall, if the municipality has passed a by-law under subsection 1a, forthwith forward such notice to the regional registrar of the Assessment Review Court and the regional registrar shall in turn forthwith forward a copy of such notice to the assessment commissioner. Time for
making
application

s. 636a (6),
amended

- (3) Subsection 6 of the said section 636a is amended by inserting at the commencement thereof "Where the council has not passed a by-law under subsection 1a".

s. 636a (7),
amended

- (4) Subsection 7 of the said section 636a is amended by inserting at the commencement thereof "Subject to subsection 7a".

s. 636a,
amended

- (5) The said section 636a is further amended by adding thereto the following subsection:

Idem

(7a) Where the council has passed a by-law under subsection 1a, the Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made.

s. 636a (11),
amended

- (6) Subsection 11 of the said section 636a is amended by inserting after "to" in the second line "hearings or".

s. 636a (13),
re-enacted

- (7) Subsection 13 of the said section 636a is repealed and the following substituted therefor:

Appeal
to county
judge

(13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application or appeal under this section and such appeal shall be a hearing *de novo* and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply.

R.S.O. 1970,
c. 32

s. 636a (16),
amended

- (8) Subsection 16 of the said section 636a is amended by inserting after "council" in the fourth line "or the Assessment Review Court, as the case may be".

s. 636a,
amended

- (9) The said section 636a is further amended by adding thereto the following subsection:

Notice of
decision to
assessment
commis-
sioner

(19) A copy of each notice of decision referred to in subsections 7 and 12 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 7 and 12, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

- 10.—(1) Section 636*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following subsections:

s. 636*b*,
amended

(1*a*) Where the council has passed a by-law under sub-section 1*a* of section 636*a*, the council may by the same by-law or by a subsequent by-law provide that the Assessment Review Court shall exercise the functions of the council under subsection 3 and where a subsequent by-law is passed, the clerk of the municipality shall forthwith forward a certified copy thereof and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Court and to the assessment commissioner.

By-law to
provide for
exercise by
Assessment
Review Court
of functions
of council

(1*b*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, the clerk of the municipality shall forthwith forward to the registrar of the Assessment Review Court, as they are received by him from time to time, all notices filed under subsection 1*a* and the regional registrar shall in turn forthwith forward a copy of such notices to the assessment commissioner and the provisions of subsections 2, 3, 4, 5 and 6 shall not apply to the recommendations to which such notices relate.

Notices
to be
forwarded
to regional
registrar
and to
assessment
commissioner

(7*a*) Where the council has provided that the Assessment Review Court shall exercise the functions of the council as referred to in subsection 1*a*, notice of the date upon which the recommendation is to be dealt with by the Assessment Review Court shall be given by the regional registrar of the Court to the clerk of the municipality and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the Court.

Notice of
date when
recommendation
to be
dealt with

- (2) Subsection 8 of the said section 636*b* is amended by inserting after "appeals" in the second line "and recommendations".
- (3) Subsection 9 of the said section 636*b* is amended by inserting after "7" in the fourth line "or 7*a*, as the case may be".
- (4) Subsection 10 of the said section 636*b* is amended by inserting after "Court" in the fourth line "or if the Assessment Review Court deals with the recommendation in the first instance".

s. 636*b* (8),
amended

s. 636*b* (9),
amended

s. 636*b* (10),
amended

s. 636b (11),
amended

- (5) Subsection 11 of the said section 636b is amended by adding at the end thereof "and the provisions of subsections 3, 4, 6, 7, 9 and 10 of section 55 of *The Assessment Act* apply *mutatis mutandis*, except that the time limit specified in subsection 7 of the said section 55 shall not apply".

s. 636b (14),
amended

- (6) Subsection 14 of the said section 636b is amended by striking out "The council shall not" in the first line and inserting in lieu thereof "Neither the council nor the Assessment Review Court shall".

s. 636b,
amended

- (7) The said section 636b is further amended by adding thereto the following subsection:

Notice of
decision to
assessment
commis-
sioner

- (15) A copy of each notice of decision referred to in subsections 4 and 9 shall be sent by mail to the assessment commissioner by the clerk of the municipality or the regional registrar of the Assessment Review Court, as the case may be, at the same time as the notice of decision is given under subsections 4 and 9, provided that failure to send such copy to the assessment commissioner shall not invalidate any proceedings taken under this section.

Commence-
ment

- 11.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 12.** This Act may be cited as *The Municipal Amendment Act, 1973* (No. 2).

An Act to amend The Municipal Act

1st Reading

December 5th, 1973

2nd Reading

December 10th, 1973

3rd Reading

December 12th, 1973

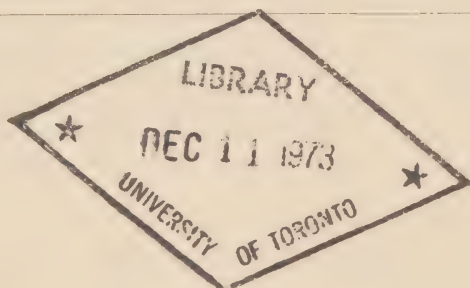
THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

>

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill clarifies the rights of members of the Durham Regional Police Force in respect of membership in supplementary pension plans.



BILL 273

1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 3 of section 67 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1973, chapter 147, section 7, is repealed and the following substituted therefor:

s. 67 (3) (a),
re-enacted

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force on and after the 1st day of January, 1974, in respect of service after such date.

- (2) The said section 67 is amended by adding thereto the following subsection:

s. 67,
amended

- (3a) Notwithstanding clause *a* of subsection 3, those members of the Durham Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan, the bargaining committee established under subsection 5 and its successor shall be entitled to negotiate with the Durham Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to the past service of such members.

Supple-
mentary
pension
plans

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipality
of Durham Act, 1973

1st Reading

December 5th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

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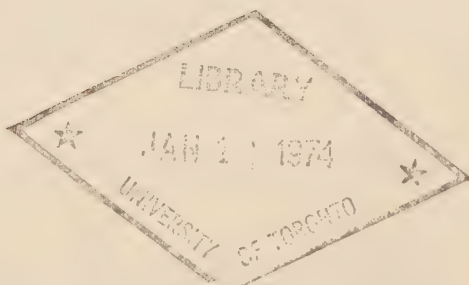
Government
Publications

BILL 273

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 273

1973

**An Act to amend
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 3 of section 67 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1973, chapter 147, section 7, is repealed and the following substituted therefor: s. 67 (3) (a),
re-enacted

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force on and after the 1st day of January, 1974, in respect of service after such date.

- (2) The said section 67 is amended by adding thereto the following subsection: s. 67,
amended

(3a) Notwithstanding clause *a* of subsection 3, those members of the Durham Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan, the bargaining committee established under subsection 5 and its successor shall be entitled to negotiate with the Durham Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to the past service of such members. Supple-
mentary
pension
plans

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1973 (No. 2)*.

An Act to amend
The Regional Municipality
of Durham Act, 1973

1st Reading

December 5th, 1973

2nd Reading

December 7th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

XB

-B 56

Government
Publications

BILL 274

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ministry of Education Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

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EXPLANATORY NOTE

The amendment provides that where teachers have resigned for the sole purpose of strengthening their negotiating position, the resignations are void and the teachers are required to continue their duties in accordance with their contracts of employment and, if an agreement is not reached by the time the resignations are effective, the board is required to submit to final and binding arbitration matters remaining in dispute.



An Act to amend The Ministry of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Education Act*, being chapter 111 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

22.—(1) Resignations submitted on or after the 1st day of September, 1973 by teachers employed by a board, in concert or in accordance with a common understanding for the sole purpose of strengthening their negotiating position are void, and teachers who have submitted such resignations shall continue their duties with the board in accordance with their contracts of employment and, where on the effective date of such resignations an agreement has not been reached between the board and its teachers, the board on behalf of it and its teachers shall forthwith submit the matters remaining in dispute to final and binding arbitration by sending notice thereof in writing to the Minister and to the affiliate of The Ontario Teachers' Federation of which the teachers are members.

(2) Where a board has been negotiating with members of more than one affiliate, there shall be an arbitration in respect of each such negotiation unless it is mutually agreed that there be only one arbitration in respect of the matters still remaining in dispute.

(3) Where an arbitration is required under subsection 1, the affiliate to which the teachers belong or, where there are two or more affiliates, the affiliates, and the board shall within seven days of the date of the notice, appoint to a board of arbitration a person who has indicated his willingness to act and shall notify each other and the Minister of the name and address of the person so appointed.

Appointment
of chairman

(4) The two persons appointed under subsection 3 shall within 14 days of the notice referred to in subsection 1 appoint a person to act as chairman of the board of arbitration and, where no chairman can be agreed upon within such time, the persons so appointed shall notify the Minister who shall thereupon appoint the chairman.

Disquali-
fication

(5) No person shall be appointed a member of a board of arbitration who has any direct pecuniary interest in the matters coming before it or who is acting or who has, within a period of six months immediately preceding the date of his appointment, acted as mediator, solicitor, counsel, negotiator or agent of either the board or its teachers, but no person shall be deemed to have a direct pecuniary interest by reason only of his being a ratepayer within the area of jurisdiction of the board.

Vacancy

(6) Where a member appointed under subsection 3 ceases to act by reason of withdrawal, death or otherwise before the board of arbitration has completed its work, a replacement shall be appointed by whoever made the appointment of the member who has ceased to act, and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning.

Chairman
unable
to act

(7) Where the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within a reasonable time after his appointment, the Minister shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

1971, c. 47
not to apply

(8) *The Statutory Powers Procedure Act, 1971*, does not apply to negotiations or arbitrations under this section.

Procedures

(9) A board of arbitration shall, subject to subsection 14, determine its own procedures but shall give full opportunity to the board and the negotiators for the teachers to present evidence and to make submissions.

Where
arbitrators
unable to
agree on
procedures

(10) Where the members of a board of arbitration are unable to agree on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Powers of
board of
arbitration
1971, c. 49

(11) A board of arbitration has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to every proceeding of the board of arbitration as if the proceeding were a proceeding under that Act and the board of arbitration has power to,

(a) administer oaths and affirmations;

(b) accept or exclude any oral testimony, document or other material; and

(c) determine all matters under negotiation that remain in dispute.

(12) A board of arbitration shall report to the board and the negotiators for the teachers in writing its decisions and transmit a copy of its report to the Minister.

Board of arbitration to report

(13) The Minister and the Deputy Minister of Education are not compellable witnesses in respect of any matter before a board of arbitration.

Minister and Deputy Minister not compellable witnesses

(14) A board of arbitration shall compile a record which shall include any exhibits filed and shall cause the evidence to be recorded.

Recording of evidence

(15) The decision of a majority of the members of a board of arbitration is the decision of such board and, if there is no majority, the decision of the chairman is the decision of the board of arbitration.

Majority decision to be decision of board of arbitration

(16) The board and the teachers covered by the award shall pay the expenditures incurred by them respectively in appointing or retaining any person in relation to the arbitration, and all other expenses including the honorarium and expenses of the chairman shall be shared equally by the board and the teachers covered by the award and shall be paid within thirty days after the date of the award and, where the moneys required to be paid by the teachers are not paid within thirty days after the date of the award, the affiliate of which the teachers are members shall pay such moneys within a further fifteen days.

Costs of arbitration

(17) Where an arbitration is required under subsection 1, the provisions of the understanding last reached between the board and the teachers concerned that was implemented shall continue in force until an award made by the arbitrators under this section comes into effect.

Continuation of current understanding

(18) An award made under this section is final and binding upon the teachers and the board concerned, and the teachers and the board shall comply with the provisions of the award.

Award final and binding

(19) An award that is made in relation to a board and its teachers or a group thereof shall include matters agreed upon by the board and the teachers and the award shall be deemed to form part of every contract of employment between the board and a teacher covered by the award.

Matters agreed upon to be in award

Contraven-
tion of
award

(20) The contravention of any provision of an award made under this section is deemed, for the purposes of this section, to be a contravention of this section.

Offence

(21) Every teacher who contravenes, and every member of the board who assents to a contravention of, any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$500 for each day upon which such contravention occurs or continues.

Award not
to require
legislative
implementa-
tion

(22) No award made under this section shall contain any term that would require either directly or indirectly for its implementation the enactment or amendment of any Act or a regulation thereunder.

Commence-
ment

2.—(1) This Act comes into force on the day it receives Royal Assent.

Act ceases
to be in
force

(2) This Act ceases to be in force on the 15th day of October, 1974.

Short title

3. This Act may be cited as *The Ministry of Education Amendment Act, 1973 (No. 2)*.

An Act to amend
The Ministry of Education Act

1st Reading

December 10th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

CA20N

XB

-B 56

BILL 275

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Schools Administration Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

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EXPLANATORY NOTE

The amendment adds Part XII to the Act, providing procedures under which a school board and its teachers may negotiate agreements in respect of the terms and conditions under which the teachers are employed and under which matters not settled by negotiation and mediation are required to be submitted to arbitration. The Education Relations Commission is established to assist school boards and teachers in the implementation of such procedures.

The amendment also adds Part XIII to the Act to provide for the establishment by school boards of Teacher-Board Relations Committees to consider and discuss educational matters of mutual concern and to make recommendations thereon to the Board.



An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, is amended by adding ^{Parts XII and XIII,} thereto the following Parts: enacted

PART XII

TEACHERS' AND TRUSTEES' NEGOTIATING PROCEDURES

103.—(1) In this Part,

Interpre-
tation

- (a) "affiliate" means a body affiliated with the Federation;
- (b) "Agreement" means an agreement made under this Part between a board and a negotiating entity;
- (c) "board" includes The Metropolitan Toronto School Board;
- (d) "Commission" means the Education Relations Commission established under this Part;
- (e) "Council" means the Ontario School Trustees' Council;
- (f) "Federation" means The Ontario Teachers' Federation;
- (g) "member association" means an association that appoints representatives to the Council;
- (h) "negotiating entity" means a group of teachers designated under subsection 3 of section 104 in respect of whom an Agreement is or is to be negotiated;

(i) "party" means the board or the negotiating entity that is a party to an Agreement but in the provisions of this Part that require parties to give or receive notice or to make appointments or to prepare or execute an Agreement, "party" means the board or the persons authorized to sign an Agreement on behalf of the negotiating entity;

(j) "teacher" means a teacher as defined in clause i of section 1 of *The Teaching Profession Act*.

R.S.O. 1970,
c. 456

Metropolitan
Toronto
School Board

R.S.O. 1970,
c. 295

(2) A board of education for an area municipality as defined in *The Municipality of Metropolitan Toronto Act* may authorize The Metropolitan Toronto School Board to negotiate an Agreement on its behalf.

Regulations

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing the procedures to be followed in respect of the negotiation of an Agreement.

Federation to
be authorized
negotiating
authority

104.—(1) The Federation is the sole representative of the teachers employed by a board for the purpose of this Part.

Delegation of
authority

(2) The Federation, at the request of one or more affiliates or of a board, shall forthwith authorize an affiliate or, where so agreed upon by the Federation and the board, a combination of affiliates, to act as its representative in the negotiation of an Agreement and shall so notify in writing the affiliates and the board concerned.

Designation
of negoti-
ating entity

(3) The affiliate or combination of affiliates authorized under subsection 2 shall designate a negotiating entity for the purpose of negotiating an Agreement and shall so notify in writing the board concerned.

Limitation

(4) The teachers who are employed by one board for elementary school purposes or for secondary school purposes, as the case may be, and who are members of the affiliate, or of one of the combination of affiliates authorized under subsection 2, shall not comprise the whole or part of more than one negotiating entity.

Negotiating
entity to
designate
negotiators
and signing
officers

(5) The negotiating entity shall designate,

(a) the members of its negotiating team; and

(b) the persons who shall be authorized to sign an Agreement on its behalf.

105.—(1) Subject to section 106, every understanding^{Part to apply} made after the coming into force of this Part between a board and its teachers or a group thereof in respect of terms and conditions of employment shall be an Agreement reached under this Part.

(2) An Agreement shall be deemed to form part of the^{Effect of Agreement} contract of employment entered into by a board and each of its teachers who are covered by the Agreement.

106.—(1) Subject to subsection 2, an Agreement shall be^{Agreement period} made for a period of not less than two years from and including the 1st day of September to and including the 31st day of August in the years specified therein, and the first Agreement negotiated under this Part shall not come into force before the 1st day of September, 1975.

(2) Where an understanding negotiated by representatives^{Where former agreement in effect} of a board and its teachers or any group thereof has been implemented by the board, the terms thereof shall continue in force for the period set out therein unless altered by mutual consent, and an Agreement may be made to come into force on the day following the termination of such understanding, and such Agreement shall terminate on the 31st day of August in the year agreed upon by the parties.

(3) Where no understanding has been reached by a board^{Mediation and arbitration} and its teachers or any group thereof on or before the 15th day of October, 1974, in respect of the year 1974 or the school year 1974-75, each party shall forthwith so notify the Commission and a mediator shall be appointed in accordance with section 112 to help to resolve the matters remaining in dispute in respect of such year or school year and the provisions of this Part in respect of mediation and arbitration apply.

107.—(1) Where an Agreement is to be negotiated, notice^{Notice to commence negotiations} in writing to commence negotiations shall, subject to subsection 4, be given by either party not earlier than the 15th day of November and not later than the 15th day of January immediately preceding the 1st day of September on which the Agreement to be negotiated comes into force.

(2) Where notice in writing is given in accordance with^{Requirement to negotiate} subsection 1, the parties shall require their negotiators to enter into negotiations to conclude an Agreement.

(3) Where neither party gives the notice required under^{Where neither party gives notice} subsection 1, the existing understanding or Agreement shall continue in force until a new Agreement is made and comes into force.

Agreement
commencing
January 1,
1975 or 1976

(4) In the case of an Agreement to be negotiated for a period commencing the 1st day of January in the year 1975 or 1976, the notice referred to in subsection 1 may be given before the immediately preceding 15th day of November.

Parties to
notify
each other

108.—(1) Each party shall, within ten days after receiving the notice to commence negotiations, notify the other in writing of the names and addresses of the members of its negotiating team, and the negotiating team designated under subsection 5 of section 104 shall notify the board in writing of the names and addresses of the persons who are authorized to sign an Agreement on behalf of the negotiating entity.

Idem

(2) Either party may, at any time during negotiations, increase, decrease or vary the membership of its negotiating team and shall provide the other party with a list of the names and addresses of the current members thereof.

Negotiators
to bargain in
good faith

(3) The parties shall negotiate in good faith and make every reasonable effort to effect an Agreement and shall commence such negotiations not later than fifteen days after the date of the notice to commence negotiations or within such other period as the parties agree upon.

Scope of
negotiations

109.—(1) Negotiations under this Part shall, where either party so requires, be carried out in respect of terms and conditions of employment.

Where unable
to agree on
scope of
negotiations

(2) Where the negotiators are unable to agree that a matter is or is not within the scope of negotiations, the disagreement may be referred by one or both of the negotiating teams to arbitration under this Part and, where so referred, such disagreement shall be included with any matters that may remain in dispute and that are to be determined by arbitration under subsection 3 of section 112 and, where the arbitrators decide that the matter in disagreement is within the scope of negotiations, they shall arbitrate such matter.

Education
Relations
Commission

110.—(1) There shall be a Commission to be known as the Education Relations Commission that shall be composed of five members appointed in accordance with this section.

Federation
appointees

(2) The Federation shall appoint two members to the Commission and shall transmit to the Minister the names and addresses of the persons so appointed.

Council
appointees

(3) The Council shall appoint two members to the Commission and shall transmit to the Minister the names and addresses of the persons so appointed.

(4) The Lieutenant Governor in Council shall appoint ^{Chairman} one person who shall be chairman of the Commission.

(5) The Commission shall meet, Meetings

(a) at such times as the Commission may determine;

(b) at the call of the chairman;

(c) at the request of the Minister; and

(d) at the request of two or more members of the Commission.

(6) The Commission shall carry out the duties imposed ^{Duties} under this Part and such other duties as may be required to carry out the intent and purposes of this Part.

(7) The expenses incurred by the Commission shall be ^{Expenses} payable until the 31st day of March, 1974, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

111.—(1) Subject to subsections 3 and 4, where the parties ^{Where parties unable to conclude Agreement} are unable to conclude an Agreement by negotiation, all matters under negotiation that remain in dispute shall be determined by mediation and, where necessary, by arbitration under sections 112 to 114.

(2) A party may, at any time during negotiations, upon ^{Assistance from provincial organization} giving notice to the other party, consult with or obtain bargaining assistance from the affiliate or the combination of affiliates that designated the negotiating entity or from the member association to which the board belongs.

(3) Where, Request for mediation

(a) negotiations have continued for a period of eight weeks from the date of the request to commence negotiations or until the 1st day of March next following the date of such request, whichever first occurs;

(b) each of the parties has had the consultation or assistance referred to in subsection 2; and

(c) an Agreement has not been concluded,

either party may, upon giving notice of intention to the other party and to the Commission, require that mediation shall begin.

Mediation
to begin

(4) Where negotiations continue until the 1st day of April next following the date of the request to commence negotiations and no Agreement has been concluded, each of the parties shall forthwith, if it has not already done so, obtain the consultation or assistance referred to in subsection 2 and, where no Agreement is concluded by the 15th day of April, each party shall so notify the Commission and, subject to subsection 5, the parties shall be deemed to have agreed to submit to mediation under this Part those matters that are under negotiation and in respect of which no settlement has been reached, and such mediation shall begin.

Extension of
negotiations

(5) Where the negotiators request the Commission to extend the time for negotiations beyond the 15th day of April, the Commission may grant an extension but such extension shall not exceed two weeks.

Mediator

112.—(1) Where a matter under negotiation is submitted to mediation, the parties shall appoint a mediator to endeavour to effect an Agreement.

Where parties
unable to
agree on
mediator

(2) Where the parties fail to agree within seven days immediately following the notification of the Commission under subsection 3 or 4 of section 111 upon the mediator to be appointed, the parties shall so notify the Commission, and the Commission shall forthwith make the appointment.

Where
mediation
fails to
conclude
Agreement

(3) Where the mediator fails to conclude an Agreement between the parties within fifteen days from the date of appointment of the mediator, the mediator shall so report in writing to the Commission and, subject to subsection 4, all matters under negotiation then remaining in dispute shall be decided by arbitration in accordance with this Part.

Extension of
mediation

(4) The mediator may request the Commission to extend the time for mediation and the Commission may grant an extension, but such extension shall not exceed five days.

Appointment
to arbitration
board

113.—(1) Where matters remaining in dispute are to be settled by arbitration, subject to subsection 3, each party shall, within seven days of the date of the report referred to in subsection 3 of section 112 or, where an extension has been granted under subsection 4 thereof, within seven days of the expiry of the extension, appoint to a board of arbitration a person who has indicated his willingness to act and notify the other party and the Commission of the name and address of the person so appointed.

(2) Subject to subsection 3, the parties shall appoint a person to act as chairman of the board of arbitration and, where the parties do not within seven days immediately following the notification of the Commission under subsection 1 agree upon a chairman, the Commission shall appoint the chairman. ^{Appointment of chairman}

(3) The parties may agree that the matters remaining in dispute shall be referred to a single arbitrator and, where they fail to agree within the period limited by subsection 1 upon the person to be the arbitrator, they shall so notify the Commission and the Commission shall appoint the arbitrator. ^{Single arbitrator}

(4) Where a single arbitrator is appointed under subsection 3, references in this Part to a board of arbitration and to the chairman of a board of arbitration shall be deemed to refer to such single arbitrator. ^{References to board of arbitration deemed references to arbitrator}

(5) No person shall be appointed a member of a board of arbitration who has any direct pecuniary interest in the matters coming before it or who is acting or who has, within a period of six months immediately preceding the date of his appointment, acted as mediator, solicitor, counsel, negotiator or agent of either of the parties, but no person shall be deemed to have a direct pecuniary interest by reason only of his being a ratepayer within the area of jurisdiction of the board. ^{Disqualification}

(6) Where a member appointed under subsection 1 ceases to act by reason of withdrawal, death or otherwise before the board of arbitration has completed its work, a replacement shall be appointed by the appropriate party as provided in subsection 1, and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning. ^{Vacancy}

(7) Where the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within a reasonable time after his appointment, the Commission shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*. ^{Chairman unable to act}

(8) *The Statutory Powers Procedure Act, 1971* does not apply to negotiations or arbitrations under this Part. ^{1971, c. 47 not to apply}

114.—(1) A board of arbitration shall, subject to subsection 6, determine its own procedures but shall give full opportunity to the parties to present evidence and to make submissions. ^{Procedures}

Where arbitrators unable to agree on procedures

(2) Where the members of a board of arbitration are unable to agree on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Powers of board of arbitration
1971. c. 49

(3) A board of arbitration has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to every proceeding of the board of arbitration as if the proceeding were a proceeding under that Act and the board of arbitration has power to,

- (a) administer oaths and affirmations;
- (b) accept or exclude any oral testimony, document or other material; and
- (c) determine all matters under negotiation that remain in dispute.

Board of arbitration to report

(4) A board of arbitration shall report to the parties in writing its decisions and transmit a copy of its report to the Commission.

Minister and Deputy Minister not compellable witnesses

(5) The Minister and the Deputy Minister of Education are not compellable witnesses in respect of any matter before a board of arbitration.

Recording of evidence

(6) A board of arbitration shall compile a record which shall include any exhibits filed and shall cause the evidence to be recorded.

Majority decision to be decision of board of arbitration

(7) The decision of a majority of the members of a board of arbitration is the decision of such board and, if there is no majority, the decision of the chairman is the decision of the board of arbitration.

Execution of Agreement

115.—(1) Upon the conclusion of the negotiations, including arbitration, the parties shall, within fifteen days, prepare and execute a document incorporating the matters agreed upon and those decided by arbitration, and the document thereupon constitutes an Agreement.

Failure to execute Agreement

(2) Where within the time limited by subsection 1 the parties fail to execute an Agreement, the board of arbitration shall prepare a document incorporating the matters agreed upon and those decided by arbitration, and shall submit the document to the parties for execution and shall fix the time within which the parties shall execute the document.

Idem

(3) If the document is not executed within the time fixed by the board of arbitration, the board of arbitration may

order that the document comes into force as though it had been executed by the parties, and the document thereupon constitutes an Agreement.

(4) The chief executive officer of a board that is a party to an Agreement shall transmit a copy of the Agreement to the Commission. Copy of Agreement to Commission

116. Unless an Agreement otherwise provides for the final and binding settlement of all differences between the parties arising from the interpretation, application, administration or alleged contravention of the Agreement, the Agreement is deemed to include the following provision: Resolution of matters arising out of Agreement

Where a difference arises between the parties relating to the interpretation, application or administration of this Agreement, or where an allegation is made that this Agreement has been contravened, either of the parties may, after exhausting any grievance procedure established by this Agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Commission upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

117.—(1) The expenditures incurred by a party in respect of any person appointed or retained by the party for the purpose of concluding an Agreement shall be borne by such party and all other expenses, including honoraria for a mediator and the chairman of a board of arbitration, shall be shared equally by the parties. Costs

(2) Where the moneys required to be paid by a negotiating entity under subsection 1 are not paid within thirty days after the execution of the Agreement or after the order of the board of arbitration under subsection 3 of section 115, the affiliate or combination of affiliates that designated the negotiating entity shall pay such moneys within a further fifteen days. Where costs not paid by negotiating entity

118.—(1) Every teacher who contravenes, and every trustee who assents to a contravention of, any provision of this Part is guilty of an offence and on summary conviction is Contravention by teacher or trustee

liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues.

Contraven-
tion by
Council or
Federation

(2) The Council and every member association and the Federation and every affiliate that contravenes any provision of this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$5000 for every day upon which such contravention occurs or continues.

Contraven-
tion of
decision, etc.

(3) The contravention of any decision, determination, order, direction, declaration, award or Agreement made under this Part is deemed, for the purposes of this section, to be a contravention of a provision of this Part.

Where officers
also guilty
of offence

(4) Where the Council or a member association or the Federation or an affiliate is guilty of an offence under this Part, every officer or representative thereof who assents to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1.

Consent

(5) No prosecution for an offence under this Part shall be instituted except with the consent in writing of the Commission, which may be granted only after affording an opportunity to the person seeking consent and the person accused to be heard.

PART XIII

TEACHER-BOARD RELATIONS COMMITTEE

Committee
defined

119.—(1) In this Part, "Committee" means a Teacher-Board Relations Committee.

Application
of Part
R.S.O. 1970,
c. 425

(2) Every board of education, except a board of education formed under section 2 or section 4 of *The Secondary Schools and Boards of Education Act*, every county or district combined separate school board, the Metropolitan Separate School Board and the Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor shall establish a committee to be known as the Teacher-Board Relations Committee.

Idem

(3) A board other than a board under subsection 2 may establish a Committee under such terms and conditions as may be agreed upon between the board and its teachers.

Composition
of Committee

120.—(1) A Committee shall be composed of,

(a) such number of teachers in the employment of the board, not exceeding five, as may be agreed

upon by the teachers and the board, appointed by the teachers in the manner determined by the teachers; and

- (b) a number of members of the board, appointed by the board, not exceeding the number of teachers appointed under clause *a*.

(2) The appointing bodies under subsection 1 may designate an alternate member for each of the members appointed under subsection 1, and an alternate member may participate in meetings of the Committee when the member for whom he is the alternate is absent and for such purpose has all the powers and duties of such member. ^{Alternate members}

121.—(1) The members of the Committee shall be appointed in January of each year and shall hold office for a term of one year and until their successors are appointed. ^{Appointment and term of office}

(2) A person appointed to the Committee under clause *a* of subsection 1 of section 120 shall forward to the chief executive officer of the board on or before the 31st day of January his name and address and, where an alternate is designated, the name and address of his alternate. ^{Names and addresses of members and alternates}

(3) Upon receipt of the information required to be forwarded to him under subsection 2, the chief executive officer of the board shall transmit to each member of the Committee and his alternate a list of the names and addresses of all the members of the Committee and of their alternates and shall call the first meeting of the Committee. ^{Idem}

122. The Committee shall meet at least four times in each year at such times and places as the Committee determines. ^{Number of meetings}

123.—(1) The Committee shall, at its first meeting in each year, elect a chairman and a vice-chairman from among its members. ^{Chairman and vice-chairman to be elected}

(2) Where the chairman elected is a member appointed by the teachers, the vice-chairman shall be elected from among the members appointed by the board and, where the chairman elected is a member appointed by the board, the vice-chairman shall be elected from among the members appointed by the teachers. ^{Alternation of offices}

(3) The chairmanship shall alternate from year to year between a member appointed by the teachers and a member appointed by the board. ^{Idem}

Rules of
procedure

(4) The Committee shall make such rules of procedure as it considers necessary or desirable for its proper functioning, and the board shall provide such support services as it provides for committees of the board.

Terms of
reference

124.—(1) The Committee may discuss any educational matter that is of mutual concern to the teachers and the board and for this purpose the Committee may obtain such data and materials as it requires and may seek information and advice from such resource persons as it may determine.

Idem

(2) Notwithstanding subsection 1, during the period of negotiation of an Agreement under Part XII, any matter under negotiation shall not be a subject of discussion by the Committee.

Reports and
recommendations

(3) The Committee shall make such reports and recommendations to the board as it may determine.

Board to
consider
reports and
recommendations of
Committee

(4) The board shall consider any report and recommendation submitted to it in writing by the Committee and shall not refuse to approve a recommendation of the Committee without having given the Committee or its representative an opportunity to be heard by the board or by any committee thereof to which the recommendation is referred.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Schools Administration Amendment Act, 1973* (No. 3).

An Act to amend
The Schools Administration Act

1st Reading

December 10th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

CIA20N *Island Assembly*
XB
-B56

*Government
Publications*

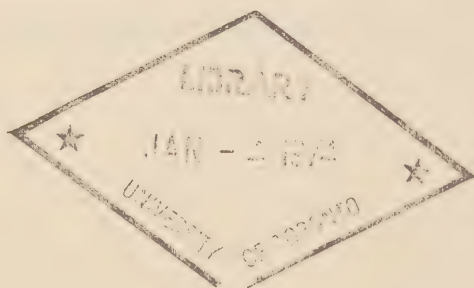
BILL 276

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Animals for Research Act

MR. BURR



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to remove the Ontario Society for the Prevention of Cruelty to Animals from the list of facilities from which a research facility may acquire animals under section 18 of the Act.

**An Act to amend
The Animals for Research Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Animals for Research Act*, being ^{s.1 (e),} chapter 22 of the Revised Statutes of Ontario, 1970, is re-pealed and the following substituted therefor:

(e) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality but does not include any premises or part thereof used by the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}
3. This Act may be cited as *The Animals for Research Amend-* ^{Short title}_{ment Act, 1973.}

An Act to amend
The Animals for Research Act

1st Reading

December 12th, 1973

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

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-B56

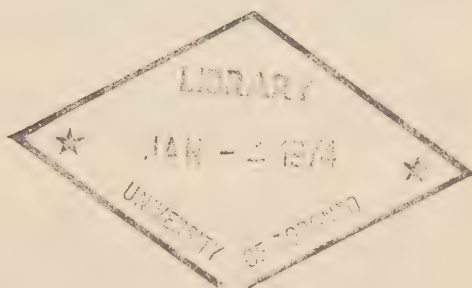
BILL 277

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act respecting the Rights of Students

MR. CASSIDY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Self-explanatory.



An Act respecting the Rights of Students

WHEREAS it is public policy in Ontario that every person is free and equal in dignity and rights without discrimination of any kind; and whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature; and whereas it is desirable that the rights of students be codified into law for the guidance of students and school boards;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Every student has the right to freedom of thought, ^{Rights of students} conscience and religion.

(2) Every student has the right to freedom of speech ^{Idem} and expression and to public assembly.

(3) Every student has the right to be secure against ^{Idem} searches of his person or searches or seizure of his property by a school board.

(4) Every student and every group of students in a school ^{Idem} has the right to a freely-chosen elective and representative student government.

(5) Every student has the right to participate in the full ^{Idem} educational process connected with his school regardless of his race, religion, national origin, sex, economic or social status, political beliefs, appearance, marital status or physical or mental handicaps.

(6) Every student has the right to a fair hearing with ^{Idem} regard to any disciplinary action.

(7) Every student has the right to be free from corporal ^{Idem} punishment, the punitive use of grades and the extension of school authority into non-school activities.

Interpre-
tation

2. In this Act,

- (a) “disciplinary action” means punishment or suspension or denial of a school privilege;
- (b) “school board” means a public school board, separate school board, secondary school board or board of education and includes members of the board, and the administrators, principals, teachers and other employees of the board;
- (c) “student” means a full time or part time student enrolled in a school operated under the jurisdiction of a public school board, separate school board, secondary school board or board of education.

Student
activities

3. No school board shall,

- (a) require a student to participate in any activities involving political or religious beliefs;
- (b) deny a student the right to distribute or receive leaflets, newspapers or other literature upon the premises of his school, except within classrooms while teaching is in progress;
- (c) deny a student or a group of students the right to assembly or to form organizations on or off school premises;
- (d) censor or otherwise interfere with publications produced or edited by students;
- (e) deny a student the right to wear political buttons or other forms of symbolic expression; or
- (f) deny a student the right to determine his own dress or appearance.

Searches

4.—(1) Subject to subsection 2, no school board shall search a student or his property except where the school board has reason to believe that an act has occurred which involves danger to life or property.

Idem

(2) A search of property under subsection 1 may be carried out only in the presence of the student whose property is being searched or a person named by the student as a person who may be present in his absence.

(3) No school board shall deny a student access to student records that relate to him. Student records

(4) No school board shall permit information from a student record to be released, used or examined by anyone other than the school board except with the consent of the student whose record is to be released, used or examined. Idem

5. No school board shall,

Student governments

- (a) deny a student the right to vote in electing a representative student government;
- (b) deny a student the right to seek or hold office in a student government;
- (c) deny a student or a group of students the right to set out the organization and scope of a student government in a written constitution or to have it approved by a group of students;
- (d) deny a student or a group of students the right to petition for grievances or deny a student or a group of students the right to meet with a school board in order to discuss matters that affect students.

6. No school board shall,

Right of student to full educational process

- (a) deny a student the right to participate in the full educational process or in a school sponsored activity on the basis of race, religion, nationality, sex, economic or social status, political beliefs, appearance or marital status; or
- (b) deny a student the right to participate in the full educational process or in a school sponsored activity on the basis of pregnancy, or physical or mental handicap except where, in the opinion of the school board, there is a danger to the health or physical well-being of the student.

7.—(1) Where a student has been the subject of disciplinary action, he may request in writing a hearing before the principal of the school where the disciplinary action took place and on receiving such a request the principal shall cause a hearing to be held as to whether the student should be subject to the disciplinary action. Hearing

Return to
school on
suspension

(2) Where a student requests a hearing under subsection 1 as a result of suspension from a school, he may return to that school until the matter which is the subject of the hearing is disposed of.

Appeal

(3) Any party to a hearing under subsection 1 may appeal from the decision of the principal to the public school board, separate school board, secondary school board or board of education, as the case may be, for which the principal is employed.

Application
of 1971, c. 47

(4) Sections 4 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing or an appeal under this section.

Punishment
of students

8. No school board shall,

- (a) use corporal punishment for any purpose;
- (b) lower a student's academic standing or grades as a form of punishment for non-academic reasons;
- (c) withhold an award, diploma or promotion from a student where the student has successfully completed the course of study related to that award, diploma or promotion, as the case may be;
- (d) punish a student for his participation in a non-school sponsored activity or enter information about that activity into school records, or report such information to prospective employers or other persons.

Conflict
R.S.O. 1970,
cc. 111, 385, 424,
425, 430

9. Notwithstanding the provisions of *The Ministry of Education Act, The Public Schools Act, The Schools Administration Act, The Secondary Schools and Boards of Education Act* and *The Separate Schools Act* and the regulations thereunder, this Act applies to and binds every school board.

Offence

10. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable,

- (a) if an individual, to a fine of not more than \$1,000;
or
- (b) if a public school board, separate school board, secondary school board or board of education,
to a fine of not more than \$5,000.

11. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. _{ment}

12. This Act may be cited as *The Student Bill of Rights*, ^{Short title}
1973.

An Act respecting
the Rights of Students

1st Reading

December 12th, 1973

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act for granting to Her Majesty certain sums
of money for the Public Service for the fiscal
year ending the 31st day of March, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 278

1973

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1974

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
 William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1974; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$7,128,439,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1973, to the 31st day of March, 1974, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based. \$7,128,439,500 granted for fiscal year 1973-74

(2) Where, in the fiscal year ending the 31st day of Exception
 March, 1974, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Supply Act, 1973*.

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	46,000		46,000
Office of the Speaker	4,722,000		4,722,000
Office of the Premier	1,083,000		1,083,000
Cabinet Office	1,080,000		1,080,000
Management Board	1,924,000		1,924,000
Civil Service Commission	4,749,000		4,749,000
Office of Provincial Auditor	1,261,000		1,261,000
Government Services	177,827,000	1,250,000	179,077,000
Revenue	365,312,000		365,312,000
Treasury, Economics and Intergovernmental Affairs	312,263,000		312,263,000
Justice Policy	343,000		343,000
Attorney General	65,220,500		65,220,500
Consumer and Commercial Relations	29,066,000		29,066,000
Correctional Services	82,654,000		82,654,000
Solicitor General	87,693,000		87,693,000
Resources Development Policy	374,000		374,000
Agriculture and Food	107,361,500	2,350,000	109,711,500
Environment	130,717,000	1,000,000	131,717,000
Industry and Tourism	38,484,000		38,484,000
Labour	12,779,000		12,779,000
Natural Resources	151,905,000	10,775,000	162,680,000
Transportation and Communications	675,894,000	18,400,000	694,294,000
Social Development Policy	507,000		507,000
Colleges and Universities	807,386,000	10,953,000	818,339,000
Community and Social Services	483,741,000	4,489,000	488,230,000
Education	1,313,336,500	2,201,000	1,315,537,500
Health	2,219,293,000		2,219,293,000
	<u>\$ 7,077,021,500</u>	<u>\$ 51,418,000</u>	<u>\$ 7,128,439,500</u>

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1974

1st Reading

December 20th, 1973

2nd Reading

December 20th, 1973

3rd Reading

December 20th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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